which will come in course of payment during the year ending 31st day of March 1958, in respect of 'Payment of Compensation to land-holders, etc., on the abolition of Zamindari System'."

The motion was adopted.

Demand No. 55—Commutation Value of Pensions.

83.—*Payments of Commuted Value of Pensions.*

Mr. SPEAKER.—The question is:

"That a sum not exceeding Rs. 5,15,000 be granted to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1958, in respect of 'Commutation of Pensions'."

The motion was adopted.

Demand No. 56—Payment to Retrenched Personnel.

85.—*Payments to Retrenched Personnel.*

Mr. SPEAKER.—The question is:

"That a sum not exceeding Rs. 20,000 be granted to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1958, in respect of 'Payments to Retrenched Personnel'."

The motion was adopted.

Demand No. 57—Schemes Connected with State Schemes of Government Trading.

85-A.—*Capital Outlay on State Schemes of Government Trading.*

Mr. SPEAKER.—The question is:

"That a sum not exceeding Rs. 54,59,300 be granted to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1958, in respect of 'Capital Outlay on Schemes of State Trading'."

The motion was adopted.

Demand No. 57-A—Appropriation to the Contingency Fund.

85-B.—*Appropriation to the Contingency Fund.*

Mr. SPEAKER.—The question is:

"That a sum not exceeding Rs. 1,00,00,000 be granted to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1958, in respect of 'Appropriation to the Contingency Fund'."

The motion was adopted.

Demand No. 58—Loans and Advances.

P.—Loans and Advances by the State Government.

Mr. SPEAKER.—The question is:

"That a sum not exceeding Rs. 5,07,00,000 be granted to the Government to defray the charges which will come in course of payment during the year ending 31st day of March 1958, in respect of 'Loans and Advances by the State Government'."

The motion was adpoted.

Mr. SPEAKER.—Now we shall take up Bills.

MYSORE REVENUE APPELLATE TRIBUNAL BILL, 1957.

Motion to consider.

*Sri M. P. PATIL (Minister for Revenue).—Sir, I move:

"That the Mysore Revenue Appellate Tribunal Bill, 1957 be taken into consideration."

The object of moving this Bill has been given in the Statement of Objects and Reasons. When the new Mysore

(SRI M. P. PATIL)

State was formed after integration of five areas, the Inter-State Ministers' Committee decided that instead of having separate tribunals for separate purposes like revenue, sales tax, etc., the experiment of having one tribunal for revenue and sales tax might be tried and with that view, the present revenue tribunal had been set up by the adoption of the laws at that time. However, after experience it was found that the experiment is not successful and therefore the Government has now decided that there should be a separate tribunal for sales tax and a separate tribunal for revenue and other purposes which are mentioned in this Bill. As a matter of fact, in other States also, no such tribunal is existing for all the purposes. In other States there are separate tribunals for sales tax and for revenue work. Moreover, after examining the cases pending with the tribunal, it is found that there is sufficient work for the revenue tribunal and at the same time sufficient work for the sales tax tribunal also. Therefore, Government has taken a decision to have a separate tribunal for each of these two purposes.

The other amendments proposed in this Bill are about the powers of the Government for receiving revision applications and deciding them. As a matter of fact, the Revenue Tribunal is the final authority in the matter of revenue cases. First the cases are filed with the Amildars; then there is appeal to the Deputy Commissioners and afterwards there is revision or appeal to the Revenue Tribunal. The Revenue Tribunal would be both the appellate body and the revisional body. So under the circumstances, it would not be consistent with the legal practice that the power of revision should vest both in the Revenue Tribunal and the Government also. As a matter of fact, even by experience it is found that it is not necessary that the Government should reserve this power with itself when the highest tribunal in the revenue matters is appointed by an Act of the Legislature. Even in Bombay the Revenue Tribunal is the final authority and after the decision given by the final authority, there is no appeal or revision to the Government. If some party thinks that some injustice has been done or a legal procedure has not been followed, the party can have recourse to High Court. Under the circumstances, without recourse to the High Court, it is not necessary to reserve this power with the Government. The other changes are only minor changes. I need not go into all those details. The main amendments which we want to give effect to, to the old Act have been mentioned by me and I hope the Hon'ble House will have no objection to this Bill.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ (ಚನ್ನಪಟ್ಟಣ).— ಸ್ವಾಮಿ, ಈ ರೆವೆನ್ಯೂ ಟ್ರಿಬ್ಯೂನಲ್ ಹೊಸದಾಗಿ ಮಾಡಬೇಕಾದ ಅವಶ್ಯಕತೆಯಿಲ್ಲ.

SRI V. S. PATIL (Belgaum I).— I rise to a point of order. Under rule 50 of the procedural rules,

> "A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses relating thereto and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

The present Bill that has been brought before this House does not contain the financial memorandum at all. The financial memorandum which is incorporated or printed in this Bill says: "The present expenditure in the Mysore Board of Revenue is about Rs. 3 lakhs per annum. The expenditure on account of the constitution of the Revenue Appellate Tribunal is not expected to be more." So according to the terms of this rule, the recurring and non-recurring expenditure must be given. That is one thing. Secondly, this revenue tribunal is a different body altogether to be constituted from the old body then in existence.

5 P.M.

This will be a new expenditure altogether which has to be met from the consolidated fund. So, I submit Sir, that unless the Minister concerned complies with this particular rule,

the Bill cannot be considered in this House.

*Sri M. P. PATIL.—Sir, there is already a Revenue Tribunal and that Tribunal has been entrusted with the additional work relating to sales-tax. Now the proposal is to separate sales-tax work and continue that Tribunal for revenue purposes only. That being the case, the financial memorandum mentioned here is quite correct.

Mr. SPEAKER.—I cannot uphold the point of order raised by my friend Sri V. S. Patil. The reason has already been given by the Hon'ble Minister. The Tribunal is already there. The recurring and non-recuring expenditure relating to that, are already there. It need not be mentioned here, unless it is a new item of expenditure altogether. The Hon'ble Member Sri Patil knows that this was the way in which the financial memorandum used to be given in Bombay.

Sri G. N. PUTTANNA (Tumkur).—May I be permitted to raise a point of information, Sir?

ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸು ಅಪಲೇಟ್ ಟ್ರಿಬ್ಯುನಲ್ ಮೈಸೂರಿನಲ್ಲಿ ಅಬಾಲಿಷ್ ಆದಮೇಲೆ ರೆವಿನ್ಯೂ ಬೋರ್ಡಿನವರೇ ಅವರ ಅಪೀಲುಗಳನ್ನು "Hear" ಮಾಡುತ್ತಾರೆಂದು ಅಪ್ಪಣೆ ಕೊಡಿಸಿದಿರಿ In the Statement of objects and reasons it is stated;

> "The present Mysore Board of Revenue was constituted with effect from the 1st November 1956 and is attending to appellate and revisional work that was being attended to by the Board of Revenue and Sales-Tax Appellate Tribunal, Mysore. . . . . "

Sri M. P. PATIL.—That was the very point raised in my speech. The Inter-State Ministers' Committee, wanted to make an experiment of having one Tribunal for both sales-tax and revenue work; and as the Hon'ble Member says that it is not practicable and we have therefore decided to have separate tribunal for sales-tax work and revenue work.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ.—ನಾನು ಕೇಳುತ್ತಿರುವುದು ಅದಲ್ಲ ಸ್ವಾಮಿ. Sales-Tax Appellate Tribunalನ ಕೆಲಸವೂ Revenue Boardನಲ್ಲಿಯೇ ಮಾಡುತ್ತಿದ್ದಾರೆಂದು ಅರ್ಥವಾಗುತ್ತದೆ. ತಾವು ಕೊಟ್ಟಿಲ್ಲವೆಂದು ಹೇಳುತ್ತೀರಿ. ಅದು ಹೇಗೆ?

Sri M. P. PATIL.—The Hon'ble Member is not correct, Sir. The point is, before the integration of the States, in the old Mysore State there were two tribunals, one for revenue and another for sales-tax work. While integrating the State, the Inter-State Ministers—neither the old Mysore nor the New State—the Inter-State Ministers had decided that an experiment of having one tribunal for both should be tried. And now Government also agrees that it cannot work well. That is the reason why the Government has put up a proposal under this Bill to have separate tribunals for this work.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ.—ಸ್ವಾಮೀ, ಹಾಗಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಈ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸು ಟ್ರಿಬ್ಯುನಲ್ಲಿಗೂ ರೆವಿನ್ಯೂ ಬೋರ್ಡಿಗೂ ಸೇರಿದ ಕೇಸುಗಳನ್ನು ಮುಂದೆ ಹೇಗೆ ನಿರ್ಧರಿಸುತ್ತೀರಿ?

ಅಧ್ಯಕ್ಷರು.—ತಮಗೆ ನಾನು ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡುತ್ತೇನೆ. ಈ ರೀತಿಯಾಗಿ ನೀವು clarification ಕೇಳುವುದು, ಅವರು ಉತ್ತರ ಹೇಳುವುದು ಸರಿಯಾಗಿರುವುದಿಲ್ಲ.

*ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ(ಚನ್ನಪಟ್ಟಣ).—ಸ್ವಾಮೀ, ಈ Revenue Tribunal ಹೊಸದಾಗೇನೂ ನಮ್ಮ ದೇಶದಲ್ಲಿ ಅದನ್ನು ಮಾಡುತ್ತಿಲ್ಲ. ಮೊದಲೇ ಇತ್ತು. ಇದನ್ನು ಮಾಡಬೇಕಾದ ಅವಶ್ಯಕತೆಯೇ ಇರಲಿಲ್ಲವೆಂದು ನನಗೆ ಕಾಣುತ್ತದೆ. ಹೀಗೆ ಇಲ್ಲಿ ಮಾಡಿರುವುದು ಹೇಗಿದೆಯೆಂದರೆ ಇದರಿಂದ ಕೆಲವರಿಗೆ ಸ್ಥಾನಗಳನ್ನು ಒದಗಿಸುವುದಕ್ಕೋಸ್ಕರ ಏರ್ಪಾಡುಮಾಡುವ ಹೊಸ ಉದ್ಯಮವೆಂದು ತೋರುತ್ತದೆ. ಸರಕಾರ ಈ ರೀತಿ ಕೈಗೊಂಡಿರುವುದು ಏಕೆಂದರೆ ಅನೇಕ ಜನ defeated membersಗಳು ಇದ್ದಾರೆ. ಅವರನ್ನು ತೃಪ್ತಿಪಡಿಸುವುದಕ್ಕೋಸ್ಕರ ಹೀಗೆ ಮಾಡಿದ್ದಾರೆಂದು ಹೇಳಬೇಕಾಗಿದೆ. ಈಗ ಸರಕಾರ ಈ ರೀತಿ ಮಾಡಲು ಅವರಿಗೆ ಹೊಸ ಉದ್ಯಮ ಬೇಕಾಗಿತ್ತು. ಇದರಿಂದ ಒಂದೊಂದು ಎರಡೆರಡು ವರ್ಷಗಳ ಕಾಲ ಅವರಿಗೆ ಬೇಕಾದವರಿಗೆ ಸ್ಥಾನಗಳನ್ನು ಕೊಟ್ಟು ಅವರುಗಳನ್ನು ತೃಪ್ತಿಪಡಿಸಬೇಕಾಗಿದೆ. ಏಕೆಂದರೆ ಈಗಾಗಲೇ ಹಿಂದೆ ಮಂತ್ರಿಗಳಾಗಿದ್ದವರೂ ಈಗ ಮಂತ್ರಿಗಳಾಗಿರುವವರೂ ಎಲ್ಲರೂ ಬೆಂಗಳೂರಿನಲ್ಲಯೇ ಇದ್ದಾರೆ. ಬೆಂಗಳೂರು ಬಿಟ್ಟು ಹೋಗುವ ಮನಸ್ಸೇ ಅನೇಕ ಜನ ಮಿನಿಸ್ಟರುಗಳಿಗೆ ಇರುವುದಿಲ್ಲ. ಹೀಗಾಗಿ ಮುಂದೆ ಒಂದು ಮಿನಿಸ್ಟರುಗಳ ಕಾಲೋನಿಯೇ ಆಗುತ್ತದೆಯೋ ಏನೋ ನೋಡಬೇಕು. ಆ ತರಹದ ಸೌಕರ್ಯಕ್ಕಾಗಿ ಒಂದು ಹೊಸ ಉದ್ಯಮವನ್ನು ಕೈಗೊಂಡಿದ್ದಾರೆಂದು ಹೇಳಬೇಕಾಗಿದೆ. ರೆವೆನ್ಯೂ ಬೋರ್ಡಿಗೆ ಈಗ ಕೆಲಸ ಹೆಚ್ಚಾಗಿರಬಹುದು. ಏಕೆಂದರೆ ಹೊರಗಡೆಯಿಂದ ಹೊಸ ಹೊಸದಾಗಿ ಕೇಸುಗಳು ಬಂದಿರಬಹುದು. ಅದರಿಂದ ಈಗ ಸ್ವಲ್ಪ ಕೆಲಸ ಜಾಸ್ತಿಯಾಗಿದೆ ಎಂಬುದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳೋಣ. ಕೆಲಸ ಜಾಸ್ತಿಯಾದಮೇಲೆ ಹೊರಗಿನಿಂದ ಒಂದೆರಡು District Judgeಗಳನ್ನು ತರಬಹುದಾಗಿತ್ತು. ಅಂತಹ ಅರ್ಹತೆಯುಳ್ಳ District Judgeಗಳಿಗೇನೂ ಕೊರತೆಯಿರಲಿಲ್ಲ. ಹೆಚ್ಚಿಗೆ ಕೇಸುಗಳಿದ್ದಲ್ಲಿ ಇಬ್ಬರು ಡಿಸ್ಟ್ರಿಕ್ಟು ಜಡ್ಜುಗಳನ್ನು ರೆವೆನ್ಯೂ ಬೋರ್ಡಿನಲ್ಲಿ ನೇಮಿಸಿಕೊಳ್ಳ

(ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ)

ಬಹುದಾಗಿತ್ತು. ಅದೆಲ್ಲ ಮಾಡದೆ ಈ ರೀತಿಯಾಗಿ ಒಬ್ಬರು Chairman and Members ಗಳೂ ಮತ್ತು Establishmentಗಳಿಗಾಗಿ ಇಷ್ಟು ಹಣವನ್ನು ಏಕೆ ಖರ್ಚುಮಾಡಬೇಕಾಗಿತ್ತೋ ನನಗೆ ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಆದುದರಿಂದ ನನ್ನ ಸಲಹೆಯೇನೆಂದರೆ, ಹೀಗೆ ಮಾಡುವ ಸಾಧ್ಯತೆ ಇದೆಯೇ ಇಲ್ಲವೇ ಎನ್ನುವ ದೃಷ್ಟಿಯಿಂದ ಇವುಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸುವುದಕ್ಕಾಗಿ ಇದನ್ನು Select Committeeಗೆ ಕಳುಹಿಸುವುದು ಉತ್ತಮ ಮತ್ತು ಈ ಕಮಿಟಿಯ opinionನನ್ನು ತೆಗೆದುಕೊಂಡರೆ ನಮ್ಮ ಹಣವನ್ನು ಖರ್ಚುಮಾಡುವುದು ನ್ಯಾಯವೇ ಅಲ್ಲವೇ ಎಂಬ ವಿಚಾರಗಳು ತಿಳಿಯುತ್ತವೆ. ಅಂತಹ ಒಂದು ಸಣ್ಣ ಕಮಿಟಿಯನ್ನು ಮಾಡಿದ್ದರೆ ಸಾಕಾಗಿತ್ತು. ಹಿಂದೆಯೂ ಕೂಡ ಸರಕಾರ ಕಮಿಟಿಗಳನ್ನುಮಾಡಿ ಅಲ್ಲಿ ಚೇರ್ಮನ್ನು ಮತ್ತು ಸದಸ್ಯರುಗಳನ್ನು ನೇಮಿಸಿ ನುಮ್ಮನೆ ಹಣ ಖರ್ಚು ಮಾಡಿದರು. ಈಗಲೇ ಸರಕಾರದವರಿಗೆ ಹಣವಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತಿದ್ದಾರೆ. Economy ಮಾಡಬೇಕು ಎಂದು ಹೇಳುತ್ತಿದ್ದಾರೆ. ಹೇಗೆ ಒಂದಕ್ಕೊಂದು ನಿಮ್ಮ ಸ್ಟೇಟುಮೆಂಟುಗಳಿಗೇ conflict ಆಗುತ್ತಿದೆ. ಈಗೇನೋ ತಾವು ಒಂದೆರಡು ವರ್ಷಗಳಿಗಾಗಿ ಕೆಲವರನ್ನು ನೇಮಿಸುತ್ತೇವೆ ಎಂದು ನಿಮ್ಮ ಸ್ಟೇಟುಮೆಂಟಿನಲ್ಲಿ ಹೇಳುತ್ತಿದ್ದೀರಿ. ಒಂದು ವರ್ಷಕಾಲ ಅವರು ಅಪಾಯಿಂಟ್‌ಮೆಂಟಿನಲ್ಲಿದ್ದು ಪಾಪನು ಬಂದವರು ಪುನಃ ಅವರವರ ಗ್ರಾಮಗಳಿಗೆ ಅವರು ಪಾಪನು ಹೋಗದೆ ಬೆಂಗಳೂರಿನಲ್ಲಿಯೇ ಉಳಿಯುತ್ತಾರೆ. ಇದರಿಂದ ಅವರ ಒತ್ತಾಯ ಹೆಚ್ಚಾಗಿ ಅವರುಗಳಿಗೆ ಬೇರೆ ಇನ್ನಾವುದಾದರೂ ಕೆಲಸಗಳನ್ನು ಕೊಡಬೇಕಾಗಿ ಬರುತ್ತದೆ. ಹೀಗೆ ಕೆಲಸಗಳನ್ನು ದೊರಕಿಸುವುದಕ್ಕೋಸ್ಕರ ಈ ರೀತಿಯಾದ ಹೊಸ ಉದ್ಯಮಗಳನ್ನು create ಮಾಡುತ್ತಿದ್ದಾರೆಂದು ನನಗೆ ತೋರುತ್ತದೆ. ಅಲ್ಲದೆ ಈ ಕಾಂಗ್ರೆಸ್ಸಿನ ಸರ್ಕಾರ ಸ್ವಾತಂತ್ರ್ಯ ಬಂದಮೇಲೆ ಹೀಗೆ ಯಾವುದಾದರೊಂದು ರೀತಿಯ ಉದ್ಯಮಗಳನ್ನು ಕೈಗೊಂಡು ಎಂದರೆ, ಕಮಿಟಿಗಳನ್ನು ನೇಮಿಸುವುದು ಅಲ್ಲದೆ ಇನ್ನಾವುದಾದರೂ ಬೋರ್ಡ್‌ನ್ನು ನೇಮಿಸುವುದು ಕಡೆಗೆ "Beggars Board" ಎಂದಾದರೂ ಒಂದನ್ನು ನೇಮಿಸುವುದು, ಹೀಗೆ ಎಂತಹುದನ್ನಾದರೂ ಒಂದನ್ನು ಮಾಡಿ ಒಂದು ಕೆಲಸ ಒದಗಿಸಬೇಕು ಎನ್ನುವ ಸ್ಟೇಜಿಗೆ ಈಗ ಇಳಿದಿದ್ದಾರೆ. Economy ಮಾಡುತ್ತೇವೆ, ದೇಶದ ಬಡಜನಗಳನ್ನು ಉದ್ಧಾರಮಾಡುತ್ತೇವೆ ಎಂದು ಹೇಳುತ್ತ ಈ ರೀತಿಯಾದ Tribunal ಗಳನ್ನೇಕೆ ನೇಮಿಸಬೇಕು? ಬೇಕಾದರೆ ಒಂದಿಬ್ಬರು District Judgeಗಳನ್ನು ಇದಕ್ಕೆ additional ಆಗಿ ತೆಗೆದು ಕೊಂಡು ಒಂದುವರ್ಷಕಾಲ ಪರೀಕ್ಷೆ ಮಾಡಿನೋಡಿ, ಆಗ ಹೇಗೆ ಈ ರೆವೆನ್ಯೂ ಬೋರ್ಡಿನ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದಾರೆ ಎನ್ನುವುದನ್ನು ನೋಡಿ ಅನಂತರ ಕೆಲಸ ಹೆಚ್ಚಾಗಿದೆ ಎಂದು ತೋರಿಬಂದರೆ ಮುಂದೆ ಯೋಚನೆ ಮಾಡೋಣ. ಒಂದು ವರ್ಷಕಾಲ ಈ ರೀತಿಯಾಗಿ ಈ ಜಡ್ಜುಗಳಿಗೆ ಒಂದು chance ಕೊಟ್ಟು ಪ್ರಯತ್ನ ಮಾಡಿನೋಡೋಣ. ಹಾಗಿಲ್ಲದೆ ಇದ್ದರೆ ಈ ಬಿಲ್ಲನ್ನು ಒಂದು Select Committeeಗೆ ಕಳುಹಿಸಿಕೊಡಿ; ಇಲ್ಲವೇ ಪಾಪನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಈ ನಂದರ್ಭದಲ್ಲಿ ನಾನು ಸಲಹೆ ಮಾಡುತ್ತಿದ್ದೇನೆ.

Sri V. S. PATIL.—Sir, in the Statement of Objects and Reasons, the Hon'ble Minister has given some reason as to why a separate tribunal of this name has to be formed; and in his preliminary speech, he pointed out that Government has decided to have these two tribunals separately. But I submit, Sir, that when our Government is being run under deficit of crores of rupees, why should not the Government continue this work with the existing body? That is the main question that has come before me, Sir. It has not been suggested in the Statement of Objects and Reasons that the present Tribunal is not competent or is not discharging its duties properly either due to complicacy of the different laws or due to heavy accumulation of work.

If it is due to the heavy work, the Hon'ble Minister has not supplied us as to how many cases every year were filed and determined by the present Tribunal, whether they have calculated the large number of cases pending before this Tribunal and what is the number of incumbents that are being appointed who are discharging the duties as members of the present Tribunal. All these details ought to have been supplied to the Hon'ble House before the Hon'ble Minister concerned wants to get this Bill through. Unless all these details are supplied, I feel it will be practically taking advantage of the Party majority —because the Congress Party has got vast numbers and on that basis they want to get this Bill or any Bill passed. I appeal to the Hon'ble Minister even now to supply us with full information and if, looking to the condition of the laws or looking to the condition of the present arrears of work, etc., necessity is found or if the Hon'ble Minister shows to us that it is quite essential in the interests of the discharge of these functions under different laws that a separate Tribunal is quite essential, then the whole House will agree to it. But without placing these necessary facts before the House, to ask the House to pass this Bill is practically taking advantage of the vast majority and nothing else. I again appeal to him to state definitely what is the number of cases that are every year filed under these different Acts, what is the

number of cases that have been disposed of by the present Tribunal and how much of the work is in arrears and how the Departments have suffered due to the arrears of work ? Unless all these material things are supplied, I do not understand how the Hon'ble Minister is entitled to ask this House to pass this particular Bill.

Secondly, I object to the title of this Bill—Revenue Appellate Tribunal Bill. The three words " Revenue Appellate Tribunal" makes it a RAT Bill which is not a good one, because rats are always damaging the property. Then this will mean that this is also a RAT which takes away the property. I appeal to the Hon'ble Minister to drop those words so that the RAT may disappear and something good may happen. I have moved an amendment also. I submit, Sir, that this sort of nomenclature of a Bill should be dropped.

Another thing is—Government is asking for too many powers under this Bill, for appointing the members of the Tribunal, for prescribing their qualifications, and then for fixing their remuneration. I submit, Sir, that all these things ought to have been done by the Legislature and not by the Ministers or the Executive. So I submit that powers of the Legislature should not in any way be deprived by the Executive, because they have got a clear majority. In principle also, it is against the interests of the State. I submit that all these powers that are being tried to be taken away by the Government should be dropped from this Bill. As suggested by one of the Hon'ble Members from this side, the Bill may be sent to a Select Committee where we can thresh out all the points and prepare all the clauses in such a way as to give this House full power for appointing, prescribing the qualifications, fixing their remuneration and also other things.

ಶ್ರೀ ಜಿ. ಎಕ್. ಪುಟ್ಟಣ್ಣಿ.—ಸ್ವಾಮಿ, ಈ ರೆವಿನ್ಯೂ ಅಪೆಲೇಟ್ ಟ್ರಿಬ್ಯುನಲ್ ಮಸೂದೆಯನ್ನು ತಂದಿರುವುದೇನೋ ನ್ಯಾಯ, ಆದರೆ ಇದು ಅಲ್ಲಲ್ಲಿ ತಿದ್ದುಪಡಿಯಾಗಬೇಕಾಗಿದೆ. ರೆವಿನ್ಯೂ ಅಪೆಲೇಟ್ ಟ್ರಿಬ್ಯುನಲ್ ಮತ್ತು ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ಅಪರೇಟಿವ್ ಟ್ರಿಬ್ಯುನಲ್ ಬೇರೆಬೇರೆ ಇರಬೇಕೆಂದು ಮಾನ್ಯ ಮಿತ್ರರು ಹೇಳುತ್ತಾರೆ. ಇವೆರಡೂ ಹಿಂದೆ ಬೇರೆ ಬೇರೆ ಇದ್ದು ಒಂದು ಒಂದೂವರೆ ವರ್ಷದ ಕೆಳಗೆ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ಅಪೆಲೇಟ್ ಟ್ರಿಬ್ಯುನಲ್‌ರದ್ದಾಯಿತು. ನಾನು ರೆವಿನ್ಯೂ ಟ್ರಿಬ್ಯುನಲ್‌ಗೆ ಒಂದು ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ಅಪೀಲ್ ಕೇಸ್ ಹಾಕಿದ್ದೇನೆ. ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ಕೇಸುಗಳನ್ನು ನಾವು ವಿಚಾರಣೆಮಾಡುವುದಕ್ಕೆ ನಮಗೆ ಅಧಿಕಾರಕೊಟ್ಟಿಲ್ಲವೆಂದು ರೆವಿನ್ಯೂ ಟ್ರಿಬ್ಯುನಲ್ ನವರು ಹೇಳುತ್ತಾರೆ. ಈ ದಿನ ಬೆಳಿಗ್ಗೆ ಎಷ್ಟು ಕೇಸುಗಳು ತೀರ್ಮಾನವಾಗದೆ ಬಾಕಿ ಉಳಿದಿವೆ ಎಂದು ಕೇಳಿದಾಗ 500 ಕೇಸುಗಳಿವೆ ಎಂದು ಹೇಳಿದರು. ಈಗ ರೆವಿನ್ಯೂ ಬೋರ್ಡಿನಲ್ಲಿ ಮೂರು ಜನ ಸದಸ್ಯರಿದ್ದಾರೆ, ಅವರಲ್ಲಿ ಒಬ್ಬರು ಚೇರ್ಮನ್. ಇವರ ಜೊತೆಗೆ ಒಬ್ಬರು ಚಾರ್ಟರ್ಡ್ ಅಕೌಂಟೆಂಟ್ ಮತ್ತು ಒಬ್ಬರು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜರನ್ನು ನೇಮಕಮಾಡಿ ಒಂದು ಟ್ರಿಬ್ಯುನಲ್ ಮಾಡಿದರೆ ಸಾಕು. ಹಾಗಲ್ಲದೆ ಆದಕ್ಕೇ ಬೇರೆ ಮಾಡಬೇಕೆಂದರೆ ಅದಕ್ಕೆ ಕಟ್ಟಡ, ಸಿಬ್ಬಂದಿ ಖರ್ಚು, ಮೇಜು ಕುರ್ಚಿ ಮುಂತಾದ ಫರ್ನಿಚರ್ ಮುಂತಾದುವುಗಳಿಗಾಗಿ ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟವಾಗುತ್ತದೆ. ಆದಕಾರಣ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ ಅಪೀಲ್ ಕೇಸುಗಳನ್ನು ಈ ರೆವಿನ್ಯೂ ಅಪೀಲ್ ಟ್ರಿಬ್ಯುನಲ್‌ಗೇ ವರ್ಗಮಾಡಿ ಇದಕ್ಕೇ ಒಬ್ಬರು ಚಾರ್ಟರ್ಡ್ ಅಕೌಂಟೆಂಟ್ ಮತ್ತು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜರನ್ನು ನೇಮಕ ಮಾಡಿದರೆ ಖರ್ಚು ಎಷ್ಟೋ ಕಡಮೆಯಾಗುತ್ತದೆ.

ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ರಾಯರುಗಳು ಬಂದಿರುವುದಿಲ್ಲ, ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ರಿಕಾರ್ಡುಗಳು ಬಂದಿರುವುದಿಲ್ಲ. ಇಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಕೆಲಸವಿಲ್ಲದೆ ಜಡ್ಜಿಗಳ ಮನೆಗಳಿಗೆ ಹೋಗಿರುವುದನ್ನು ನೋಡಿದ್ದೇನೆ. ಬೆಳಿಗ್ಗೆ ಬಂದು ಸಾಯಂಕಾಲದವರೆಗೆ ಜಡ್ಜಿಗಳು ಕೆಲಸಮಾಡಿದರೆ ಎಷ್ಟೋ ಕೇಸುಗಳನ್ನು ನಡೆಸಿ ತೀರ್ಮಾನಮಾಡಬಹುದು. ಈಗಿರತಕ್ಕ ಚೇರ್ಮನ್ ಅವರು ಬಹಳ ಅನುಭವಶಾಲಿಗಳು, ಚೆನ್ನಾಗಿ ಕೇಸುಗಳನ್ನು ತೀರ್ಮಾನಮಾಡುತ್ತಾರೆಂಬ ಭರವಸೆ ಇದೆ. ಬೇರೆ ಟ್ರಿಬ್ಯುನಲ್‌ಮಾಡದೆ ಈ ರೆವಿನ್ಯೂ ಅಪೆಲೇಟ್ ಟ್ರಿಬ್ಯುನಲ್‌ಗೇ ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ಅಪೀಲ್ ಕೇಸುಗಳನ್ನು ಹಾಕಿದರೆ ಕೇಸುಗಳೇನೂ ತೀರ್ಮಾನವಾಗದೆ ಉಳಿಯುವುದಿಲ್ಲ, ಸರ್ಕಾರಕ್ಕೆ ಹಣವೂ ಉಳಿಯುತ್ತದೆ. ಒಂದುವೇಳೆ ಸದ್ಯಕ್ಕೆ ಬೇರೆ ಮಾಡೋಣ, ಆಮೇಲೆ ಕೇಸುಗಳು ಮುಗಿದಮೇಲೆ ತೆಗೆಯೋಣ ಎಂದರೆ ಸುಮ್ಮನೆ ಹಾಡಿದ್ದೇ ಹಾಡುವುದು ಎನ್ನುವ ಹಾಗುತ್ತದೆ. ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್‌ಗೇ ಬೇರೆ ಮಾಡಿದರೆ ಮೂಗಿಗಿಂತ ಮೂಗುತಿ ಭಾರ ಎನ್ನುವ ಹಾಗಾಗುತ್ತದೆ.

Sri V. SRINIVASA SHETTY (Coondapur).—Sir, the impression that this Bill has been moved to create more appointments is fully made clear from a cursory reading of the Bill itself. If you go through clause 3—Constitution of the Tribunal, it is very clear :

> " There shall be constituted for the State of Mysore an appellate Tribunal called the Mysore Revenue Appellate Tribunal. The Tribunal shall consist of two officers having experience in administration of revenue matters not below the rank of Collector, or Deputy Commissioner of a District, and a District Judge."

(SRI V. SRINIVASA SHETTY)

Sub-clause (2) of Clause 3 reads:

"The State Government may from time to time appoint such other persons possessing such qualifications as may be prescribed to be additional members of the Tribunal."

MR. SPEAKER.—We are in the first stage of the Bill. You can make general remarks now.

SRI V. SRINIVASA SHETTY.—This clause makes it abundantly clear that the object of the Government is to create a forum where they can appoint as many people as they want.

This gives a vast scope for the Ministry for picking their own men who are in the waiting list. One other point which I wish to submit is, there seems to be a lot of agitation for having a Bench of the High Court at Belgaum for a long time. The Government does not seem to be in a position to fulfil that object and to satisfy the people of Belgaum, they seem to have decided to establish a Bench of the Revenue Tribunal at Belgaum. This is also, as my friend has stated, unnecessary in view of the fact that the Government has no money to spare. So, this makes it very clear that they have certain men in view for the posts. Therefore, this Bill is unnecessary and, as my friends have already stated, the Revenue Tribunal can as well try both sales tax and revenue appeals, if necessary, by addition of a few more members.

SRI K. S. SURYANARAYANA RAO (Mysore City).—Sir, before taking this Bill either to the Select Committee or for further consideration of this House, I on my part feel that this Bill needs further clarifications and I feel if the Minister gives us some clarifications then we will be in a position to accept the Bill in principle because when once the Bill is sent to the Select Committee, we will have accepted the Bill in principle, and therefore we will be barred from advancing any arguments on the Bill itself. Therefore I would seek from the Hon'ble Minister certain clarifications in the matter. First of all, the Bill does not fix up the tenure of office of the different Benches of the Appellate Tribunal and they have also not prescribed the required qualifications to be the Members of the Tribunal. Again, the Bill is not very clear as to the necessity the Government felt in introducing this Bill instead of having one consolidated Bench for both revenue and sales tax cases. The other point is, the rule making powers are conferred by this Act on the Tribunal. We are very shortly taking up the consideration of the Report of the Rules Committee which seeks to have a Subordinated Legislation Committee to scrutinise and report to this House about the rules in force in the State. This Bill takes away the power of the House in the matter of making ruls for the Tribunal. If we accept that the House makes the law and it should be the forum then the provision of clause 10 needs further thought. On the considerations of the finances of the State, the Finance Minister, to my mind, has not made it clear as to how this is in the interest of economy of the State. The comprehensive financial memorandum is not appended to this Bill. The Statement of Objects and Reasons also does not disclose the consideration that weighed with the Government in bifurcating the two Tribunals. Therefore, before we take up this Bill clause by clause, I request the Hon'ble Minister to give us some elucidation in the matter.

SRI Y. VEERAPPA (Holenarasipur).—Mr. Speaker, indeed the Hon'ble Revenue Minister has assigned some reasons for the introduction of this Bill in this House. But *prima facie*, to speak, the Minister has not given any comprehensive reasons as to why this Revenue Appellate Tribunal should come into existence. No doubt we find in the Statement of Objects and Reasons that the existing Revenue Tribunal has not been able to clear or attend to pending appeals or revision petitions. But I individually feel that, as argued by my friends who have spoken, if two more Judges of the status of District Judges are added on to the existing Revenue Tribunal, I think we will be able to cope with the work and cater justice to the clients. Further, in view

of the financial stringency that we have felt at this juncture it is not desirable to incur an additional expenditure of Rs. 3 lakhs as contemplated in the financial memorandum. At present the Government is spending nearly Rs. 3 lakhs towards the existing Revenue Board, and to incur additional Rs. 3 lakhs is really a matter for serious consideration because our Budget as detailed by the Finance Minister is already deficit. Further, the wordings of the different sections and chapters are not clear. The wordings as stated does not disclose tenure of the office, reasons for constituting the Tribunal, etc. Therefore, I feel and I advocate that it is desirable not to think of this separate Revenue Appellate Tribunal but to add on two more Judges. In case they are insisting to introduce this Bill and get sanction by this Hon'ble House, I feel personally that it must be scrutinised properly and therefore I submit that it is a fit case to be scrutinised by a Select Committee.

5-30 P.M.

*Sri H. C. LINGA REDDY (Malur).— Mr. Speaker, while supporting this Bill I would like to say a few words. Some of my friends on the opposite side said that this Bill was intended to appoint more judges and all that. Even under the present Revenue Board Act there is provision for the Government to appoint such officers as they consider necessary for the disposal of the cases. In this Bill also, there is provision for the appointment of such officers and judges as the Government consider necessary in the interests of justice and disposal of cases very quickly. They also levelled a charge against the Government that these days being days of economy this Bill will make the Government spend more and all that. It has been made clear in the Financial Memorandum that the present expenditure for the Revenue Board is only Rs. 3 lakhs and some amount will be utilised towards expenses of the staff and the working of the Tribunal. It has also been made clear that no additional expenditure will be incurred. The Hon'ble Member Sri Veerappa was saying that additional expenditure is intended to be incurred. I do not think that is a correct position. I shall read the Financial Memorandum:

> "The present expenditure in the Mysore Board of Revenue is about Rs. 3 lakhs per annum. The expenditure on account of the constitution of the Revenue Appellate Tribunal is not expected to be more."

Therefore there will not be one item of expenditure of Rs. 3 lakhs for the Revenue Board and another additional expenditure for the Revenue Appellate Tribunal. Hence it is not correct to say that we will be spending more.

There is absolute necessity for the introduction of a provision like this under this Act because cases are being transferred from Coorg, Madras and Bombay areas and some of us who are lawyers know that the work has increased. There are cases in the Revenue Board today pending for the last two or even more years and they are not being disposed of very quickly. The Sales Tax Law being of a special nature there is necessity for an officer or officers from the Sales Tax Department and if Revenue Officers who are well versed in revenue law are got to be clubbed with Sales Tax Officers in the Revenue Board. I think it does not work very statisfactorily and properly. Of course my friends are not opposing the principle of the Bill. When Sri B. K. Puttaramiah said that this Bill be referred to a Select Committee, it means he is accepting the principle of the Bill. Sri Veerappa also was saying that under the existing Revenue Board some more judges may be appointed. Sri Puttaramiah too said that some additional judges may be appointed. Therefore instead of having the same Revenue Board with complicated systems of law and having officers from the Revenue Department and the Sales Tax Department, it is better that there is bifurcation and they are placed in charge of two tribunals separately so that they may work efficiently and satisfactorily and dispose of the cases. Therefore I feel that there is absolute necessity for the constitution of a

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Revenue Appellate Tribunal in the State.

One more point I wish to bring to the notice of Government and that is this. Under the present Revenue Board Act there is provision for revision to Government. Of course, the Hon'ble Minister for Revenue was saying that if there is necessity for a case being taken to the High Court for revision of the orders of the Revenue Appellate Tribunal it could be done, but it is not specifically made clear under the Act. It is necessary it should be made clear under this Act itself.

Sri M. P. PATIL.—It is not necessary to make it clear because the High Court has inherent powers.

Sri H. C. LINGA REDDY.—One more reason for the constitution of the Revenue Appellate Tribunal is given under this Bill. There is at present the State Transport Authority. Revisions and Appeals, I think, lie to the Government. Under this Bill, the revision and appeal from the decisions of the State Transport Authority will lie to the Revenue Appellate Tribunal. From that point of view also, the Revenue Appellate Tribunal will have more work and I absolutely see no reason in the contention of my friends on the other side that there is no necessity for the constitution of the Revenue Appellate Tribunal.

*Sri H. V. KOUJALGI (Sampagaon I).—Sir, I rise to support the Bill now before the House. I find that there is a necessity for an Appellate Tribunal specially for revenue work and a separate tribunal for the sales tax work. The Hon'ble Member Sri H. C. Linga Reddy has suggested some of the reasons why two separate tribunals are necessary and I entirely agree with the reasons given by him. Now-a-days revenue work has been increasing owing to so many enactments that are already in force and those that are going to be passed. Under the Land Revenue Code relating to property and under Municipal Regulations so many Acts have been passed and are already in force. Now-a-days the people are more legal—minded. They want everything to be finally decided and it is my experience that the work is increasing so far as this is concerned. In order to meet this work it is necessary that there should be an independent tribunal for hearing appeals. Even the Sales Tax work is increasing and it will be necessary, as has been suggested by the Government, that a separate tribunal to hear the appeals on sales tax will have to be appointed. It will be seen, as suggested by some of my friends on the other side, that it is not a measure of economy and that the Government will be unnecessarily adding to the expenditure. But expenditure is not the main thing. The question is one of speedy disposal of the appeals. If these appeals are entrusted to the District Judges, as was suggested by some of my friends, you may not have speedy disposal of these appeals. Delay in justice is as good as justice being denied. This fact will have to be remembered. Even now my experience is that appeals under the Co-operative Act or Revenue Act are not disposed of within one year. That is my experience in Bombay State. Considering the voluminous work, a separate tribunal will be necessary to dispose of appeals speedily. By entrusting to separate tribunals there will be no extra expenditure. Only one suggestion I want to make. Under clause 3 two officers having experience in administration of revenue matters not below the rank of Collector or Deputy Commissioner of a district and a District Judge are to be appointed to this Tribunal. Usually, the experience is that retired District Judges or retired revenue officers are appointed. In appointing such officers, my suggestion to the Government is that their physical condition should be taken into consideration. Simply because they are retired officers, that is no ground or qualification for appointing them as members of the Tribunal. My submission is that as far as possible retired officers should not be taken on the Tribunal. If at all they are taken, they should be physically fit.

With these remarks, I support the Bill.

Sri G. VENKATAI GOWDA (Kollegal).—Mr. Speaker, Sir, of course, we have accepted the principle that there

must be a Revenue Appellate Tribunal apart from any other tribunal. This Tribunal must be independent like a judicial tribunal. Two officers having experience in administration of revenue matters not below the rank of Collector, or Deputy Commissioner of a district are sought to be appointed on this Tribunal. My submission is that as far as possible this Tribunal must be made independent in the sense that it should remain unbiased or uninfluenced even by Government. It must be like a judicial tribunal.

Sri M. P. PATIL.—Sir, I object to this statement. I would like to know whether the Government has interfered with it at any stage.

Sri G. VENKATAI GOWDA.—I did not say that the Government does or has done it. These officers are a part and parcel of Government and so there may be some apprehension in the minds of the people who come before this Tribunal with their grievances that justice may not be done to them. Justice should not only be done but should appear to be done. That is the fundamental rule of law that is prevailing. Hence, I submit that the members who are included in this Tribunal must be independent as far as possible. Clause 3 provides for two officers but I feel that one officer is enough to assist the Tribunal in revenue and other matters. The other two members must be from the cadre of District Judges or even of a higher rank. Hence, I submit that this Tribunal must be as independent as possible so that it will not yield even to Government influence. I do not mean to say that the Government influences. What I mean is that even if Government were to influence it, it should not yield to it.

Then, Sir, it is mentioned in clause 7 "Subject to the previous approval of the State Government". It shows the interference of Government. The Government should not have such powers so far as this Tribunal is concerned.

There is another provision curtailing the powers of the High Court. It says that every decision of the Tribunal shall be final and shall not be called in question in any court of law. The party who is really aggrieved on question of facts must have the right to go in appeal to the High Court even against the decision of the Tribunal. That is in conformity with the established rule of law.

We have to consider how far economy can be effected so far as this Tribunal is concerned. As pointed out by some Hon'ble Members, there is another tribunal to hear appeals in sales-tax matters. I submit that we must consider how to economise since we are going to have a separate Revenue Appellate Tribunal as per the provisions of this Bill.

Hence, I suggest that all these defects should be rectified by investing the Tribunal with all the necessary powers and the Government should not interfere in any way so far as the administration of the Tribunal is concerned.

Sri ANNARAO GANAMUKHI (Afzalpur).—Mr. Speaker, Sir, I support this Bill, but at the same time I have to offer some comments on one or two clauses of this Bill.

There is no doubt that the Revenue Tribunal is essential for quick disposal of pending cases in revenue matters, but I think the constitution of the tribunal is a little defective, because in clause 8 it has been mentioned that every decision of the Tribunal shall be final and shall not be called in question in any court of law. I think it is *ultra vires* because if any right to property or acquisition is involved, it is open to the party to go to a court of law. Therefore, to say that the decision of the Tribunal will be final is not only wrong but it also curtails the rights of the courts. Therefore, it seems to me that this clause 8 is very defective because it impairs the rights conferred on the court itself. The questions that are decided by the Revenue Tribunal cannot be taken to the court by the aggrieved party. Therefore, I think this clause is very defective and it needs amendment.

As regards its constitution, I feel that if it is an independent tribunal then independent judges shall have to be appointed. Under clause 3 executive officers holding revenue posts are sought to be appointed as members

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and a District Judge is also sought to be appointed as a member and it is left to the two judges to refer a case to the District Judge in case a point of law is involved. Supposing the two revenue officers who serve on the Tribunal think that a particular case involves some point of law. Then and then alone the services of a District Judge are sought; otherwise not. I shall read the relevant proviso:

> "Provided that if in any case which comes before a Bench of which a District Judge is not a member and which involves a question of law, the Bench may, in its discretion, reserve such case for decision by a Bench of which a District Judge is a member."

Supposing it is a mixed issue which involves points of facts as well as point of law. Then also it can be said that it involves a point of law. Who is to decide this point? Therefore, I think that it should not be left entirely to two revenue officers who serve on the Tribunal to decide whether any particular issue involves any point of law or not. Hence, I think that this Bill is defective in this respect also.

If these defects are removed, I think the Bill will be a very good one.

* Sri G. SIVAPPA (Chitaldrug).—Mr. Speaker, Sir, while supporting this Bill I want to offer some remarks about the constitution of the Tribunal. So far as the composition of the Tribunal is concerned, clause 3 (2) says:

> "The State Government may from time to time appoint such other persons possessing such qualifications as may be prescribed to be additional members of the Tribunal."

The provisions of (a) and (b) of sub-clause (1) are all right, because the persons to be appointed are all officials and their tenure and pay will be regulated according to the Mysore Service Regulations. But for the persons to be appointed under sub-clause (2) the tenure is not fixed and we do not know whether they will be officials or non-officials. Their qualifications also are not definitely laid down. So I want a clarification from the Hon'ble Minister on these points about clause 3.

Then, coming to clause 8 regarding finality of orders of the Tribunal, the clause reads thus:

> "Notwithstanding anything contained in any law, but subject to the provisions of section 5, every decision of the Tribunal shall be final and shall not be called in question in any court of law."

I think that some provision for power to Government to review the orders of the Tribunal is necessary. No such provision has been made and I am not definite as to whether Government have got any power to review the orders of the Tribunal. I seek a clarification from the Minister on this point also.

Then, coming to clause 9, the clause reads thus:

> "The State Government may, by notification, make rules to carry out all or any of the purpose of this Act."

If rules are made by the State Government, it is necessary that those rules ought to be placed before this House.

Then, the Tribunal also has been given the power to make regulations. The rules framed by the Tribunal also should be placed before this House and an opportunity should be given to this House to discuss those rules. Those rules should be brought into force only after they are discussed in this House.

So far as the financial memorandum is concerned, the present expenditure on the Mysore Board of Revenue is Rs. 3 lakhs. In my opinion, there is no necessity to bifurcate the present Tribunal into the Revenue Tribunal and the Sales Tax Tribunal. The Minister has not given the detailed expenditure on both the Tribunals. I would request the Minister to make a clarification on this point also.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗೌಬ್ಬಿ).—ಸಭಾಪತಿಗಳೇ, ಈ ಮಸೂದೆಯನ್ನು ನಾನು ವಿರೋಧ ಮಾಡುತ್ತೇನೆ. ಇದನ್ನು ಈಗ ತರಬಾರದಾಗಿತ್ತು, ಇದನ್ನು ತಂದದ್ದು ಸರಿಯಲ್ಲವೆಂದು ಹೇಳುವವರ ಪೈಕಿ ನಾನೂ ಒಬ್ಬ ಏಕೆಂದರೆ ಈಗ 10-12 ದಿವಸಗಳಿಂದ

ಬೇಡಿಕೆಗಳ ಮೇಲೆ ಮಾತನಾಡುತ್ತ ಈ ಕೆಲಸಕ್ಕೆ ದುಡ್ಡಿಲ್ಲ, ಆ ಕೆಲಸಕ್ಕೆ ದುಡ್ಡಿಲ್ಲವೆಂದು ಹೇಳುತ್ತಿದ್ದು ಈ ದಿವಸ ಈ ಮಸೂದೆಯನ್ನು ನಾವು ಒಪ್ಪಿಕೊಳ್ಳುವು ದೆಂದರೆ ನಿಜವಾಗಿಯೂ ಅದರಲ್ಲಿ ಅರ್ಥವಿಲ್ಲ. ಇದರಲ್ಲಿ 3 ಮತ್ತು 4ನೆ ಕ್ಲಾಜುಗಳ ವಿಷಯದಲ್ಲಿ ನಾನು ಏನೇನು ಗುರುತು ಹಾಕಿಕೊಂಡಿದ್ದೆನೋ ಅದನ್ನೆಲ್ಲ ಶ್ರೀ ಅಣ್ಣಾರಾಯರು ಹೇಳಿದ್ದಾರೆ. ಆದರೂ ನಾನು ಒಂದು ವಿಷಯವನ್ನು ಹೇಳುತ್ತೇನೆ. ಕ್ಲಾಜ್ 3 (2) ರಲ್ಲಿ—

> "The State Government may from time to time appoint such other persons possessing such qualifications as may be prescribed to be additional members of the Tribunal."

ಎಂದಿದೆ. 'such other persons' ಎಂದರೆ ಎಷ್ಟು ಜನ, 4 ಜನವೇ, 5 ಜನವೇ, 6 ಜನವೇ ಎಂಬುದು ಖಚಿತವಾಗಿಲ್ಲ. ಯಾರಾದರೂ 3,4 ಜನಗಳಿಗೆ ಮಾತು ಕೊಟ್ಟಿದ್ದರೆ ಅಂಥವರಿಗೆ ಅವಕಾಶ ಮಾಡಿಕೊಡಲು ಈ ರೀತಿಯಾಗಿ ಹಾಕಿರಬಹುದೋ ಏನೋ ಗೊತ್ತಿಲ್ಲ. ಇಷ್ಟೇ ಜನ ಎಂದು definite ಆಗಿ ಇದರಲ್ಲಿ ತೋರಿ ಸಿಲ್ಲ. ಅದಕ್ಕೋಸ್ಕರವಾಗಿ ಕ್ಲಾಜ್ 3 (2) ಸರಿ ಇಲ್ಲ.

ಮತ್ತೆ ಕ್ಲಾಜ್ 3 (1) (b) ಯಲ್ಲಿ 'a District Judge' ಎಂದು ಇದೆ. A District Judge who is now in office or a District Judge who has retired ಎಂಬುದೂ ಸಹ definite ಆಗಿ ಇಲ್ಲ. ಇಬ್ಬರು ಡೆಪ್ಯುಟಿಕಮಿಷನರುಗಳಿರಬೇಕೆಂದು ಇದೆ. ಏತಕ್ಕೆ ಹೀಗೆ ಹೆಚ್ಚು ಜನರನ್ನು ಹಾಕುತ್ತಾರೋ ಗೊತ್ತಾ ಗಲಿಲ್ಲ. ಮಂತ್ರಿಗಳು ಉತ್ತರ ಹೇಳುವಾಗ ಈ ವಿಚಾರ ವನ್ನು ಹೇಳುತ್ತಾರೆ ಎಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ನನ್ನ ಅಭಿಪ್ರಾಯದಲ್ಲಿ ಒಬ್ಬರು ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಸಾಕು. ಪ್ರಾಯಶಃ ಇಬ್ಬರು ಅಧಿಕಾರಿಗಳಿಗೆ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ್ ಹುದ್ದೆಗೆ ಪ್ರಮೋಷ್ಟ್ ಕೊಡಬೇಕೆಂದು ಕಾಣುತ್ತದೆ. ಅದಕ್ಕೋಸ್ಕರ ಹೀಗೆ ಇಬ್ಬರಿಗೆ ಟ್ರಿಬ್ಯೂ ನಲ್‌ನಲ್ಲಿ ಅವಕಾಶ ಕೊಟ್ಟರೆ ಅವರಿಗೆ ಪ ಮೋಷ್ಟ್ ಸಿಕ್ಕುತ್ತದೆ. ಇಲ್ಲದೆ ಇದ್ದರೆ ಇಲ್ಲವೆಂದು ಹೀಗೆ ಮಾಡಿರ ಬಹುದು 'ಮೂಗಿಗಿಂತ ಮೂಗುತಿ ಭಾರ' ಎಂದು ಹೇಳುವಂತೆ ಈಗಾಗಲೇ ಆದಳಿತದ ಖರ್ಚು ಹೆಚ್ಚಾಗಿದೆ, ಎಂದರೆ, ಶ್ರೀ ಮರಿಯಪ್ಪನವರು ಫೈನಾನ್ಷಿಯಲ್ ಮೆಮೊರ್ಯಾಂಡಂನಲ್ಲಿ ಮೂರು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ಖರ್ಚು ಇದಕ್ಕೆ ಆಗುತ್ತದೆ ಎಂದು ತಿಳಿಸಿದ್ದಾರೆ. ಆದರೆ ಹಣದ ಮುಗ್ಗಟ್ಟು ಇರುವಾಗ, ನಮಗೆ ಹಣ ಬೇಕಾಗಿರುವಾಗ, ಈ ರೀತಿ ಹೆಚ್ಚು ಖರ್ಚು ಮಾಡು ವುದು ಸರಿಯಲ್ಲವೆಂದು ನನಗನ್ನಿಸುತ್ತದೆ. ಹೊಸ ಮೈಸೂರು ಪ್ರಾಂತವಾಗಿ ಎಂಟು ತಿಂಗಳು ಮಾತ್ರ ವಾಗಿದೆ, ಈಗಾಗಲೇ ಈ ಟ್ರಿಬ್ಯೂನಲ್ ಮಾಡಬೇ ಕೆಂದು ಈ ಮಸೂದೆಯನ್ನು ತಂದಿದ್ದಾರೆ. ನಿನ್ನೆಯದಿನ ಕೈಗಾರಿಕಾ ಶಾಖೆಯ ಉಪಮಂತ್ರಿಗಳು ಮಾತನಾ ಡುವಾಗ Industrial Board ಒಂದನ್ನು ಮಾಡುತ್ತೇ ವೆಂದು ಹೇಳಿದರು. ಈ ಬೋರ್ಡ್‌ಗಳು, ಈ ಕಮಿಟಿ ಗಳು, ಈ ಟ್ರಿಬ್ಯುನಲ್‌ಗಳು ಹೀಗೆ ಮಾಡಿಕೊಂಡು ಹೋದರೆ ಹಣವನ್ನು ಹೇಗೆ ಉಳಿಸುತ್ತೀರಿ, ಮಿತವ್ಯಯ ಮಾಡಲು ಹೇಗೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತೀರಿ ಎಂಬುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ.

ಇದರ ಪ್ರಕಾರ ಕೋರ್ಟಿಗೆ ನೀವೇ ಈ ಕಾನೂನಿ ನಿಂದ ಅವಮಾನ ಮಾಡುತ್ತಿದ್ದೀರಿ. ಯಾರನ್ನು ಜಡ್ಜಿ ಗಳಾಗಿ ನೇಮಿಸುತ್ತೀರೋ ಅವರಿಗೆ ಅವಮಾನಮಾಡು ವುದಕ್ಕೆ ಹೊರಟಿದ್ದೀರಿ. ಇದನ್ನು ಯಾರು ಒಪ್ಪಿಕೊಳ್ಳು ತ್ತಾರೆಯೋ ನನಗೆ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಕ್ಲಾಜ್ 3 (4) ರಲ್ಲಿ—

> "(a) The functions of the Tribunal may be exercised by Benches constituted by the Chairman, each consisting of either three members or two members:
>
> Provided that if any case which comes before a Bench of which a District Judge is not a member and which involves a question of law, the Bench may in its discretion, reserve such case for decision by a Bench of which a District Judge is a member."

ಇಂಥದ್ದನ್ನು ಏಕೆ ಮಾಡುತ್ತೀರಿ? ನೀವು ಇಬ್ಬರು ಜಡ್ಜಿ ಗಳನ್ನು ಅಲ್ಲಿ ಕೂಡಿಸಿ, ಅವರಲ್ಲಿ ಭಿನ್ನಾಭಿಪ್ರಾಯಗಳು ಬಂದರೆ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ಕುಳಿತುಕೊಂಡು ಕಾನೂನಿ ನಲ್ಲಿ ಲೋಪ ಬಂದಿದೆ ಎಂದು ಹೇಳಬೇಕೆಂದರೆ ಇಬ್ಬರು ಮೆಂಬರುಗಳಿಗೂ ಕಾನೂನು ಅರ್ಥವಾಗಿಲ್ಲ ಎಂದು ಅಭಿಪ್ರಾಯವಾಗುತ್ತದೆ. ಅದಕ್ಕೋಸ್ಕರ ಒಂದುಕಡೆ ಬೇಕನ್ ಎಂಬುವವರು ಏನು ಹೇಳಿದ್ದಾರೆಂದರೆ:

> "Judges ought to be more learned than witty, more reverenced than plausible and more advised than confident. Above all things integrity is their portion and proper virtue."
>
> [BACON'S Essays: Of Judicature.]

ಕಾನೂನಿನ ತಿಳುವಳಿಕೆ ಇಲ್ಲದಿರುವವರನ್ನು ಅಲ್ಲಿಕೂಡಿಸಿ ಅವರಿಗೆ ಕಾನೂನು ಗೊತ್ತಿಲ್ಲವೋ ಏನೋ, ವ್ಯತ್ಯಾಸ ವಾಗಿದೆ ಅದಕ್ಕೋಸ್ಕರ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ಬಂದು ಕಾನೂನು ನೋಡಿಕೊಂಡು ಮಾಡಲಿ ಎಂದು ಹೇಳುವು ದಾದರೆ ಇಂಥ ಟ್ರಿಬ್ಯುನಲ್‌ಗಳನ್ನು ಏಕೆ ನೇಮಕ ಮಾಡುತ್ತಾರೆಯೋ, ಅಂಥ ಡೆಪ್ಯುಟಿಕಮಿಷನರ್‌ಗಳನ್ನು ಇದರಲ್ಲಿ ಏಕೆ ಹಾಕುತ್ತಾರೆಯೋ ಗೊತ್ತಿಲ್ಲ. ಇವರ ಜೊತೆಗೆ ಇನ್ನೂ ಮೂರುಜನ ಮೆಂಬರುಗಳನ್ನು ಬೇಗೆ ಸೇರಿಸುತ್ತೀರಿ. ಇವ ಲ್ಲ ತಿಳಿವಳಿಕೆ ಇಲ್ಲದವರಾಗಿ ರುವುದಿಲ್ಲ. ಮೊನ್ನೆ ದಿನ ಶ್ರೀ ಟಿ. ಸುಬ್ರಹ್ಮಣ್ಯ ಅವರು ಮಾತನಾಡುವಾಗ ಯಾರು ಬೇಕಾದರೂ ನ್ಯೂಕ್ಲಿಯ ಸ್‌ರುಗಳು ಆಗಬಾರದು, ಆದರೆ ಯಾರು ಬೇಕಾದರೂ ಮಂತ್ರಿಗಳಾಗಬಹುದೆಂದು ತಿಳಿಸಿದರು. ಎಲ್ಲ ವಿಷಯ ಗಳನ್ನೂ ನಾವು ಆಲೋಚನೆ ಮಾಡುವುದಾದರೆ ಈಗಿರುವ ಬೋರ್ಡಿಗೆ ಇನ್ನೂ ಇಬ್ಬರು ಜಡ್ಜಿಗಳನ್ನು ಸೇರಿಸಿದರೆ ಸರ್ಕಾರಕ್ಕೆ ಹೆಣವೂ ಉಳಿಯುತ್ತದೆ, ಕೆಲಸವೂ ಸುಲಭವಾಗಿ ಆಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಈಗ ನಮ್ಮ ಮುಂದೆ ತಂದಿರುವ ಮಸೂದೆಯಲ್ಲಿರುವಂತೆ ಏಕೆ ಮಾಡುತ್ತಾರೆ ಎಂಬುದು ನನಗೆ ಅರ್ಥವಾಗುವು ದಿಲ್ಲ. ಅದನ್ನು ಸರ್ಕಾರದವರೇ ಹೇಳಬೇಕು.

ಇನ್ನೂ ಸ್ವಲ್ಪ ಮುಂದಕ್ಕೆ ಹೋದರೆ, ಬೆಳಗಾಂನಲ್ಲಿ ಒಂದು ಬೆಂಚ್ ಇರುತ್ತದೆ ಎಂದು ಹೇಳುತ್ತಾರೆ.

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ಒಬ್ಬರನ್ನು ನೇಮಕಮಾಡಿ ಬೆಳಗಾಂನಲ್ಲಿರುವ ಬೆಂಚಿನ ಇಬ್ಬರು ಮೆಂಬರುಗಳಿಗೆ ವ್ಯತ್ಯಾಸವಾದ ಅಭಿಪ್ರಾಯ ಬಂದರೆ, ಅದನ್ನೆಲ್ಲ ತೀರ್ಮಾನ ಮಾಡುವವರು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್. ಇವರು ಇದನ್ನು ತೀರ್ಮಾನ ಮಾಡಲು ಬೆಳಗಾಂಗೆ ಹೋಗಬೇಕೇ ಅಥವಾ ಬೆಂಗಳೂರಿನಲ್ಲಿಯೇ ಮಾಡಬೇಕೇ ಎಂಬುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಬೆಳಗಾಂನಲ್ಲಿರುವ ಇಬ್ಬರು ಜಡ್ಜಿಗಳ ಅಭಿಪ್ರಾಯದಲ್ಲಿ ವ್ಯತ್ಯಾಸ ಬಂದರೆ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ತೀರ್ಮಾನ ಮಾಡಬೇಕೆಂದಿದೆ. ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಆ ಕೇಸು ಇಲ್ಲಿಗೆ ಬರಬೇಕೇ ಅಥವ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ಆದವರು ಈ ಕೇಸಿಗೋಸ್ಕರ ಬೆಳಗಾಂಗೆ ಹೋಗಬೇಕೇ ಎನ್ನುವುದು it is not definite here. ನಾನು ಹೇಳುವುದೇನೆಂದರೆ ಅವಸರವಸರವಾಗಿ ಯಾವುದನ್ನೂ ಮಾಡಬೇಡಿ. Haste is waste. ಇಷ್ಟು ಅವಸರವಾಗಿ ಇದನ್ನು ಏಕೆ ಮಾಡಬೇಕು? ಇನ್ನೂ ನಾಲ್ಕೈದು ತಿಂಗಳು ಬಿಟ್ಟು ನಂತರ ತೆಗೆದುಕೊಂಡು ಬಂದಿದ್ದರೆ ಏನಾಗುತ್ತಿತ್ತು? ಈಗ ಜುಲೈ ತಿಂಗಳು. ಇದುವರೆಗೂ ನಡಿದಿರುವ ಕಲಸದ ಅಂಕ ಅಂಶಗಳನ್ನು ಲೆಕ್ಕ ಹಾಕಿ ನೋಡಿದರೆ, ಕೆಲಸ ಜಾಸ್ತಿ ಇಲ್ಲವೆಂದು ನನಗನ್ನಿಸುತ್ತದೆ. ಅದಕೋಸ್ಕರವಾಗಿ ಇಷ್ಟು ಅವಸರವಸರವಾಗಿ ಇದನ್ನು ತೆಗೆದುಕೊಂಡುಬಂದು ನಮ್ಮ ದೇಶದ ಜನಗಳಿಗೆ ತೊಂದರೆ ಮಾಡುವುದು ಸರಿಯಲ್ಲ. ಸರ್ಕಾರ ಉದಾರವಾಗಿರಬೇಕು. ಜನಗಳು ಸರ್ಕಾರದ ಕಾನೂನಿನ ಕೆಳಗೆ ಮತ್ತು ಲಾಯರುಗಳ ಕೈಗೆ ಸಿಕ್ಕಿಹಾಕಿಕೊಂಡು ಬಹಳ ವ್ಯಥೆಪಡಬೇಕಾಗುತ್ತದೆ. ದಯವಿಟ್ಟು ಇದನ್ನು ನಾಲ್ಕೈದು ತಿಂಗಳು ಮುಂದಕ್ಕೆ ಹಾಕಿ, ಇನ್ನು ನಾಲ್ಕೈದು ತಿಂಗಳಾದ ಮೇಲೆ ಯಾರಿಗಾದರೂ ಕೊಡಿ, ನಾವು ಹೊಟ್ಟೆಕಿಚ್ಚು ಪಡುವುದಿಲ್ಲ. ಹೈಕೋರ್ಟಿಗೆ ಅಧಿಕಾರವಿಲ್ಲ. ಆರ್ಬಿಟ್ರೇಷನ್ ಟ್ರೈಬ್ಯೂನಲ್ ಮಾಡಬೇಕು. ಟ್ರೈಬ್ಯೂನಲ್ಲದಲ್ಲಿ ಇಬ್ಬರು ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಾಗಿದ್ದವರು ಅಥವಾ ಇಬ್ಬರು ನಾನ್-ಆಫಿಷಿಯಲ್ ಆಗಿದ್ದವರು ಹೈಕೋರ್ಟಿನ ಮೇಲೆ ಕುಳಿತುಕೊಂಡರೆ ಇದನ್ನೆಲ್ಲಾ ಅಳವಡಿಸಿಕೊಳ್ಳುವದಾದರೂ ಹೇಗೆ ಎಂಬುದು ಅರ್ಥವಾಗುವದಿಲ್ಲ.

6 P.M.

ಶ್ರೀ ಎಂ. ಪಿ. ಪಾಟೀಲ.—ಹೈಕೋರ್ಟದಮೇಲೆ ಕುಳಿತುಕೊಳ್ಳುತ್ತಾರೆಂದು ಯಾರೂ ಅಂದಿಲ್ಲ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—

> "FINALITY OF ORDERS OF TRIBUNAL. — Notwithstanding anything contained in any law, but subject to the provisions of section 5, every decision of the Tribunal shall be final and shall not be called in question in any court of law."

ಇದರಿಂದ ಶ್ರೀ ವೆಂಕಟೇಗೌಡರು ಸಂದೇಹಪಟ್ಟದ್ದು ಪರಿಹಾರವಾಯಿತು. ಇದರಲ್ಲಿ ಸರಕಾರದ ಕೈವಾಡ ಇದೆ ಎಂದು ತಮ್ಮ ಉತ್ತರದಿಂದ ಅರ್ಥವಾಗುತ್ತದೆ. ಹೈಕೋರ್ಟಿಗೆ ಅಧಿಕಾರವಿಲ್ಲ. ತಾವು interfere ಮಾಡುತ್ತೀರಿ ಮತ್ತು ಕೈವಾಡ ಇದೆ ಎಂದು ಅರ್ಥವಾಗುತ್ತದೆ. ದೇಶದ ದೃಷ್ಟಿಯಿಂದ, ಧರ್ಮದ ದೃಷ್ಟಿಯಿಂದ, ನ್ಯಾಯದ ದೃಷ್ಟಿಯಿಂದ, ಈಗಿರುವ ಹಣಕಾಸಿನ ಮುಗ್ಗಟಿನ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಇದನ್ನು ಸ್ವಲ್ಪಕಾಲ ಹಾಗೆಯೇ ಇಟ್ಟಿದ್ದರೆ ಏನು ತೊಂದರೆಯಾಗುತ್ತಿದ್ದಿಲ್ಲ, ಏನೂ ತೊಂದರೆ ಬರುತ್ತಿದ್ದಿಲ್ಲ. ಇದಕ್ಕೋಸ್ಕರ ಇದನ್ನು ಸ್ವಲ್ಪಕಾಲ ತಡೆಹಿಡಿದು ನಮ್ಮಕ್ಕೆ ಜಾರಿಗೆ ತರಬಾರದು ಎಂದು ಹೇಳಿ ಈ ಮನೂಡೆಯನ್ನು ವಿರೋಧಿಸುತ್ತೇನೆ.

Sri K. PUTTASWAMY (Mysore).—We have been sitting from 12 o'clock, Sir. We have sat very nearly for six hours. May I know whether it is the pleasure of the Speaker that it should be continued further?

Mr. SPEAKER.—We have already agreed on this point. We are to sit up to 7 P.M. Hon'ble Member nay not be knowing, but it has been agreed between the parties that we should sit today up to 7. That means the Leader of the Opposition has agreed to this arrangement though he is not present now.

ಶ್ರೀ ಜಿ. ಶಿವಪ್ಪ (ಚಳ್ಳಕೆರೆ).—ಸ್ವಾಮಿ, ಒಪ್ಪಿ ಕೊಂಡಂಥ ಲೀಡರ್ಸ್ ಸ್ವಲ್ಪ ಹೊತ್ತು ಕುಳಿತುಕೊಂಡು ಹೋಗಿ ಬಿಡುತ್ತಾರೆ. ಇಲ್ಲ ಕಡೆಯವರೆಗೆ ಕುಳಿತುಕೊಳ್ಳಬೇಕಾದಂಥ ನಮ್ಮ ಗತಿ ಏನು ಸ್ವಾಮಿ?

ಅಧ್ಯಕ್ಷರು.—ಈ ಪ್ರಶ್ನೆಯನ್ನು ನನಗೆ ಕೇಳದೆ ನಿಮ್ಮ ಲೀಡರ ಅದವರಿಗೆ ಕೇಳಿರಿ.

Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—There is one aspect in this Bill which cannot be overlooked, however encouraging it might be from other aspects, *i.e.*, separation of the Judiciary from the Executive. But I am doubtful if this House can declare that this principle of separation has been maintained in this Bill. When I am saying this, I am only pitying the District Judge, who is to be a member of this Tribunal. If the Minister in charge were to tell me that the District Judge, who happens to be a member according to sub-section (3) of Section 3, would be the presiding officer and shall always be a presiding officer, to a certain extent he will be justified. But under the bill, he would only be a member. Sub-section (3) of Section 3 states :

> "The State Government shall, by notification, appoint the members of the Tribunal and one of the members shall be appointed as the Chairman of Tribunal."

If the other two members, who constitute the full bench, were to join

together on a certain issue, what is the fate of the poor District Judge, who is supposed to uphold points of law? Even granting for the moment that a tribunal should be constituted both of the executive and judiciary, would it be correct that this District Judge should be placed in a humiliating position of being subjected to the decisions of executive officers. He is expected to settle matters of law and yet the executive officers can have the upper hand, if only they join together. This situation is certainly awkward for the Judge.

I feel, Sir, that we should have a tribunal consisting of executive officers who will do their work unhindered and their decisions must be open to the jurisdiction of the courts of law. Let the executive function purely as an executive and leave the District Judge alone. Here what has happened is that the jurisdiction of the courts has been shut out. If that is so, my only request to Government is that the judicial officer, probably the District Judge, must be the paramount deciding authority. He must constitute the bench. Therefore section 3 will have to be slightly altered or modified or at least in the rules it must be made very clear that the District Judge or the judicial authority must be the deciding authority, whenever a point of law is to be decided. If we cut out the court's jurisdiction, then it would land us in a dangerous position and it would amount to curtailing the powers of the court in upholding law. I am saying this because I am visualising a situation in which a tribunal constituted with three persons, including the District Judge, is called upon to decide or adjudicate on points of law and where the other two members who are executive authorities join hands and the District Judge is left alone and where in points of law the jurisdiction of other courts are shut out. That situation would not be in the interests of justice.

Unless we make the position very specific and clear that in all matters of law the District Judge must preside and decide the issue, it would be very difficult. If we give our consent to this aspect, we will not be honouring the very laudable issue of separation of the Judiciary from the Executive. The District Judge should not be made a sort of a person who will be made to agree with the other two. He should not be placed in that hopeless position. I go a step further and say that even supposing on a point of law an helpless situation arises, we must provide that the point of law comes up to the highest court of this land, that is, the High Court, at least by a reference by this Tribunal to the High Court.

Mr. SPEAKER.—Under the Constitution, the High Court has got supreme power.

*Sri M. P. PATIL.—Sir, I have already explained the main reasons when the Bill was introduced in this House. While discussing the Bill some of the Hon'ble Members have raised some points which I would try to reply now.

Sir, in this connection, the one point that was raised was about the necessity of such a Tribunal. I do not think it is necessary for me to give reasons for it. As a matter of fact, even in old Mysore State, which was a small State at that time, even at that time also a legislation was passed establishing such a Revenue Tribunal. It was asked that why we should have this Tribunal and why not this work entrusted to the Judicial courts. One Hon'ble Member went on to suggest that if the work is entrusted to the judicial courts, it would be economical. Sir, the Hon'ble Members forget one thing. Supposing the work that is done by the Tribunal to-day is entrusted to the judicial courts. Naturally we will have to increase the staff there also and I am quite sure that the staff which will have to be increased in the judicial courts would be much more expensive than the staff appointed here because the to be followed by the Tribunal is a summary procedure and the procedure procedure in the judicial courts is an elaborate procedure. Therefore, if this work is entrusted to the judicial courts, the expenditure would not be curtailed, but, on the other hand, there would be more expenditure to the Government.

Sri B. K. PUTTARAMIYA.—We did not suggest that. We only suggested that this work should be entrusted to the Revenue Board.

Sri M. P. PATIL.—Sir, the Hon'ble Member may not have suggested it. But I am referring to the speechs of all the Members and one Member suggested that it should be entrusted to judicial courts. I have to refer to the speeches of all the members.

Sri K. KENCHAPPA (Hiriyur).—Sir, the Minister was pleased to say that the trial in the Tribunal was a summary trial. I believe that it is an appellate authority. How can there be a summary trial ?

Sri M. P. PATIL.—Sir, summary trial has got a different meaning ; here the procedure is summary.

Sri K. KENCHAPPA.—What would be the difference between this and the regular appeal ?

Sri M. P. PATIL.—It is unnecessary for me to explain this ; it is quite clear Then, Sir, Hon'ble Members criticised the work done by the Tribunal as they have no information about the cases pending with the Tribunal. Sir, this Tribunal was established on 1st November 1956 and I have called for the statistics of the cases up to 15th February 1957 that is 3½ months and during this period of 3½ months 174 land revenue and L.S.G. cases, etc., were filed in the Bangalore court. Then sales-tax cases 381 ; Land Revenue cases of Hyderabad area 150 ; Motor Vehicles Act cases 74 ; Bombay Tenancy cases and Revenue cases under Bombay Act, 492 ; Madras appeals, 12 ; and cases of Bombay Co-operative Society, 134. Sir, it would be clear from this that there is not only sufficient work for one Tribunal but there is more work which one Tribunal cannot deal with. Looking from these figures, it is quite evident that there is absolute necessity not only for the Revenue Tribunal but also for the Sales-tax Tribunal. It was also suggested that with a view to effect economy, the present arrangement should continue and there need not be a separate Tribunal. In this connection also, I want to explain the present situation.

The present Tribunal which is dealing with both the revenue and sales-tax consists of seven members. One is the Chairman of the Tribunal. Then, there are three officers who deal with the revenue work and there are two Members, on the Belgaum Bench. Apart from that, according to the law of the sales-tax, there must be two Members one officer of the sales-tax department and a Chartered Accountant. Therefore Hon'ble members will see that out of seven, two are exclusively meant for the sales-tax and the remaining five for the revenue work. Supposing two separate Tribunals are established. Then, those two Officers who are concerned with the sales-tax would become the Members of the Sales-tax Tribunal and the other five would continue in the Revenue Tribunal and one officer would be the Chairman of the Sales-Tax Tribunal only. So far as the Revenue Tribunal is concerned, there is no additional member ; the five members are there and they will continue and they will do the work which they are doing to-day. The two officers exclusively of the Sales-tax would be assigned to the Sales-Tax Tribunal and there would be an additional Chairman for this Sales-tax Tribunal only. It may be said as to why the Chairman should not be a common Chairman for both the works. Sir, in this connection I would like to point out that when the Chairman is looking to the work of the Revenue Tribunal, he cannot attend to the work of Sales-tax Tribunal and the Chartered Accountant and the Sale-tax Officer cannot attend to the work unless the Chairman is there. That is the reason why the sales-tax cases are pending. Therefore, it would be seen that even though there may be apparent economy, still the work is not done properly and there is stale-mate in some cases. Several cases of sales-tax are pending to-day because the Chairman has to work both for the Revenue work and the Sales-tax work. So, Hon'ble Members will realise that if Tribunals are separated and if one officer is appointed as the Chairman for the Sales-tax Tribunal only, the work would be expedited and there

would be no delay in deciding these cases.

Sri G. SIVAPPA.—The Hon'ble Minister was pleased to say that they appoint only 5 Members for the Revenue Tribunal. But the number is not limited here.

Sri M. P. PATIL.—I am coming to that point afterwards. The Hon'ble Member Sri Puttanna complained that orders have been issued not to try sales tax cases. As a matter of fact, there is no such order. I have explained the reasons why such a large number of cases are pending and not disposed of.

Sri G. N. PUTTANNA.—No order has been communicated by the Government to try sales tax cases. I did not say that they have passed orders not to try.

Sri M. P. PATIL.—Apart from the difficulty which I pointed out just now for the tribunal to continue as Sales tax tribunal and Revenue Tribunal, there is some legal difficulty also. That is one of the reasons why we are separating the Revenue Tribunal and the Sales Tax Tribunal even though that point is not decided. It is better to be on the safer side. For that reason also, we are separating the Sales Tax Tribunal. One of the Hon'ble Members raised the question of tenure of officers of the Tribunal. Sir, it is evident from the Bill that both officials and non-officials will be appointed to the Tribunal and under the circumstances, the question of fixing the tenure of the Members does not arise. For instance, supposing the Government Officers are appoint—as a matter of fact it is stated that two Deputy Commissioners having experience are to be appointed—the question of their tenure does not arise and the question of their pay does not arise. When non-officials are to be appointed to the Tribunal, then only that question will arise and as stated in the Bill that question will be decided by the Government in such a case when it arises. I want to bring one fact to the notice of the Hon'ble Members that there is not much difference between the present Revenue Tribunal Bill and the old Bill which was passed by the old Mysore Legislature. Sir, the Hon'ble Member Sri V. S. Patil suggested that the word 'Appellate' should be dropped. It is not an important question. The word 'Appellate has been put there simply with a view to make it clear that this Tribunal is not original tribunal. There are some tribunals which are original tribunals and with a view to make that point clear, we have added the word 'Appellate Tribunal' and I do not think there is any serious objection to adding this word.

Sir, regarding the constitution of the Tribunal, some points have been raised. For instance, it was suggested that the District Judge should be the Chairman of the Tribunal. Sir, as a matter of fact, I do not see any necessity why we should provide that only the District Judge should be the Chairman of the Tribunal. Some times, he may be; some times he may not be the Chairman. Anyway that does not come in the way of a District Judge who would be a Member of this Tribunal to work as a Member of the Tribunal. Sir, the question of reference to the District Judge on points of law also has been raised. Sir, it may be seen that the provision says:

> "Provided that if in any case which comes before a Bench of which a District Judge is not a member and which involves a question of law, the Bench may, *in its discretion*, reserve such case for decision by a Bench of which a District Judge is a member."

The words 'in its discretion' are important. Sir, this Tribunal is not expected to administer all the laws and the jurisdiction of the Tribunal is limited to some definite acts of which the officers have got experience. Now, for instance, take the revenue cases. The Deputy Commissioners have got experience of the revenue administration; they know the revenue laws; they know the rules also; they know the law points also. Therefore the Hon'ble Members need not presume that wherever there is any law point, that must be referred to the District Judge. That is not the presumption here and

(SRI M. P. PATIL)

therefore I would draw the attention of the Hon'ble Members to the words:

"and which involves a question of law, the Bench may, in its discretion, reserve such case for decision . . ."

Supposing the Deputy Commissioners differ between themselves on a point of law, then they may refer it to a full Bench; even though they do not differ, still if they consider that they must consult the District Judge on a particular point of law, they may make a reference to the District Judge and not otherwise. It is not necessary that each and every case wherever a law point is involved should be referred to the District Judge. That is not the idea. Similarly, the point about the finality of the decision of the Tribunal was raised. But here I want to make that point clear. We thought over the matter whether we should keep these words "shall not be called in question in any court of law." We have come to the conclusion that these words are quite necessary because the wording is this:

"Notwithstanding anything contained in any law, but subject to the provisions of section 5, every decision of the Tribunal shall be final . . . ."

Supposing we stopped there and not added the further words. It is possible that some of the judicial courts may say that the Tribunal decision is final as far as their own court is concerned, as far as courts of the Amildars and Deputy Commissioners are concerned, but there is no finality as far as they are concerned and they would think that they have got the power even to question the decision of the Tribunal in this case. So, with a view to prevent that, we have provided that the issues decided by the Tribunal are final as far as the other courts are concerned. Of course, a doubt was raised whether the High Court is debarred from questioning the decision of the Tribunal. That is not the case because even supposing that we meant High Court here, it will be *ultra vires*. The law will be invalid because it is provided in the Constitution that the High Court has inherent powers to examine all the decisions of any other court. Under the circumstances, by any enactment we cannot restrict the powers of the High Court. Sir, the Hon'ble Sri Sivappa raised the question that when the rules are framed, they should be placed on the Table of the House so that the House could discuss. However, this question does not arise in this Bill. That is a matter for the House to decide and the Committee appointed to frame the rules to decide. The House can decide as it likes, but such a provision is made not only in this Bill, but that provision is made in all the Bills, that the Government should have power to frame the rules. They could be placed before the House. That is for the Rules Committee to decide and if the Rules Committee decides that they should be placed before the House, personally, I have no objection to that.

MR. SPEAKER.—We are not proposing to have any Rules Committee. We are proposing to have a sort of Vigilance Committee.

SRI M. P. PATIL.—My only point is that it is not necessary to make such a a provision in the Bill because no such provision is made in any other Bill.

6-30 P.M.

SRI G. SIVAPPA.—In other Bills, such a provision is made. Why not in this Bill also, Sir?

ಕೆಲವು ಮಸೂದೆಗಳಲ್ಲಿ ಸಾಮಾನ್ಯವಾಗಿ ಇಂಥ ರೂಲ್ಸ್ ಸಭೆಯ ಮುಂದೆ ಇಡಬೇಕೆಂದು ಅದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿವ್ಯಾರೆ. ಹಾಗಿರುವಾಗ ಈ ಮಸೂದೆ ಸಂಬಂಧದಲ್ಲೂ ಕೂಡ ಸರ್ಕಾರದವರು ರೂಲ್ಸ್ ಮಾಡುವುದನ್ನು ಈ ಸಭೆ ಮುಂದಿಟ್ಟು ಚರ್ಚೆಗೇಕೆ ಅವಕಾಶ ಕೊಡಬಾರದು?

MR. SPEAKER.—The point is, we are soon debating the rules, and in those rules, what the Hon'ble Member is suggesting will be covered. The House will have a permanent Committee which will scrutinise the Rules.

SRI G. SIVAPPA.—I want a clarification, Sir.

ಎರಡನೆಯ ಕಾನೂನಿನ ವಿಚಾರದಲ್ಲಿ ಸಂಬಳ, ಕ್ವಾಲಿಫಿಕೇಷನ್, ಅಫಿಷಿಯಲ್ಸ್ ಅಥವಾ ನಾನ್-ಅಫಿಷಿಯಲ್ಸ್ ಈ ಬಗ್ಗೆ ಕೇಳಿದ ಉತ್ತರಕ್ಕೆ ಸಮಂಜಸವಾದ ಉತ್ತರ ಕೊಟ್ಟಿಲ್ಲವೆಂದು ನನಗೆ ಕಾಣಿಸುತ್ತದೆ.

Sri M. P. PATIL.—I have not yet completed my speech. The Hon'ble Members interrupted me and therefore I had to sit down and yield to them.

Sir, regarding the qualification of officers who are to be appointed have not been laid down. But, Sir, there is possibility that we will have to appoint some more officers when the work increases and, under these circumstances, it is not possible to lay down the qualifications now, because, we shall have to take into consideration all the circumstances while making these appointments. As a matter of fact, such a provision was to be found in the old Mysore Act. Not only that, even in the Bombay Tribunal Act or other Acts, which are passed by the Houses of other States, regarding these tribunals, they have made such a provision that the State Government should lay down qualifications. No doubt a notification should be issued and published also. That procedure has been followed here also and that is the procedure which is followed in other places.

Sir, I think I have replied to the objection raised by the various Hon'ble Members. If any of them have got any other points, I am prepared to clarify.

Sri K. S. SURYANARAYANA RAO.—Sir, the Hon'ble Minister was pleased to give certain information and clarifications about the ambiguities that were entertained by certain Hon'ble Members in this case.

Mr. SPEAKER.—I have already made it clear that clarifications should not be by way of long speeches. They must be within one or two words and very brief, otherwise it will take a lot of time. Anecdotes and preliminaries as in a speech, will take a lot of time.

Sri K. S. SURYANARAYANA RAO.—With respect to the Chair, I submit, Sir, that the Bill is such that I am afraid, I am not able to put it, in one word. I may be permitted to a say a few words, Sir.

Mr. SPEAKER.—I can understand the difficulties. But what I say is that preliminary remarks should not be made. Please come to the point straight.

Dr. T. PARTHASARATHY (Malleswarm).—The instinctive eloquence may be given a chance, Sir!

Mr. SPEAKER.—After all, clarifications should be very cryptic and short.

Sri K. S. SURYANARAYANA RAO.—Sir, under cl. 3 (2) the Hon'ble Minister was pleased to give certain explanation. I do not want to say what would be its effects if the qualifications and tenure of the other Members of this Tribunal are not specifically mentioned. I do not want to say much about it also. It is in the fitness of things that every thing should be made clear and specific, because tribunals are like courts of justice and are very sacred. We cannot play with justice.

Mr. SPEAKER.—I understand it. The Hon'ble Member want that the qualifications of the Members of the Tribunal should be mentioned in the Bill.

Sri K. S. SURYANARAYANA RAO.—Yes, Sir. So far as cl. 3 (4) (v) is concerned, I am reminded of an instance where, in a tribunal of this kind, one of the members was a judicial officer and the others were non-judicial men, an issue involving a question of law was decided by a majority vote. That should not happen. Therefore, even there it needs certain safeguards so far as the functioning of the court itself is concerned. There are so many things which the Hon'ble Minister may have to say in clarifying doubts and I request the Hon'ble Minister to agree to refer the matter to a Select Committee.

Mr. SPEAKER.—No, it is not fair to the House and fair to me also. More or less, I have understood what the Hon'ble Member wants to say. He prefers to argue the whole point and wants to have a chance to speak once again. He desires to know, if the qualifications of the Members are not properly prescribed and if private men are not going to be placed on the Tribunal, whether there will be miscarriage of justice.

Sri K. S. SURYANARAYANA RAO.—We can thrash it out in the Select Committee.

Mr. SPEAKER.—If the Hon'ble Member wants to refer it to the Select Committee, he can make a motion. If he only wants a clarification or information, short sentences may be sufficient. It should not be argued in a round about way.

Sri H. M. CHANNABASAPPA.—On a point of information. ಈಗ ಮಾನ್ಯ ರೆವೆನ್ಯೂ ಸಚಿವರು ಕೊಟ್ಟಂಥ ಉತ್ತರದಲ್ಲಿ ನನಗೆ ಎರಡು ಮೂರು ವಿಷಯಗಳ ಬಗ್ಗೆ ಸಂಶಯ ಬಂದಿದೆ. ಮೂರನೆಯ ಕ್ಲಾಜಿನ ಎರಡನೆಯ ಸಬ್‌ಕ್ಲಾಜಿನಲ್ಲಿ ನಮೂದಾಗಿರುವಂತೆ ನೇಮಕ ಮಾಡುವ ಮೆಂಬರುಗಳಿಗೇನು ಕ್ವಾಲಿಫಿಕೇಷನ್ ಇರಬೇಕು, ಎಷ್ಟು ಸಂಬಳವಿರಬೇಕು, ಟೆನ್ಯೂರ್ ಆಫ್ ಆಫೀಸ್ ಎಷ್ಟಿರಬೇಕು ಎಂಬ ವಿಷಯವನ್ನು ಇಲ್ಲಿ ಶಾಸನ ಸಭೆ ನಿರ್ಧಾರ ಮಾಡುವುದಕ್ಕೆ ಸರ್ಕಾರಕ್ಕಿರುವ ತೊಂದರೆಯೇನೆಂಬುದು ಅರ್ಥವಾಗಿಲ್ಲ. ನಿಮಗೆ ಅಂಥಾದ್ದೇನಾದರೂ ಬಹಳ ಕಷ್ಟಕರವಾದ ತೊಂದರೆಯಿದ್ದರೆ ಒಪ್ಪಿಕೊಳ್ಳೋಣ.

On a point of law ಒಂದು ಸಂಶಯವಿದೆ. ಹೈಕೋರ್ಟಿಗೆ ಅಪೀಲು ಹಾಕಲು ಅವಕಾಶ ಮಾಡುವುದರಲ್ಲಿ ತೊಂದರೆಯೇನೆಂಬುದಕ್ಕೆ ವಿವರ ಕೊಡಲಿಲ್ಲ.

ಶ್ರೀ ವಿ. ವೆಂಕಟಪ್ಪ (ವಿದ್ಯಾ ಶಾಖೆಯ ಮಂತ್ರಿಗಳು).—ಹೈಕೋರ್ಟಿಗೆ ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ರಾಜ್ಯಾಂಗದ 227ನೆಯ ಆರ್ಟಿಕಲ್ ಪ್ರಕಾರ ಹೈಕೋರ್ಟಿಗೆ ಅಧಿಕಾರವಿದೆ. That cannot be taken away by any provision in this Bill

Sri H. M. CHANNABASAPPA.—Why not that be included here? I do not think we will lose anything by being explicit.

Mr. SPEAKER.—So far as the Constitution is concerned, no law made by this House can over-ride the provisions of the Constitution. If it does, it will be quite invalid. Article 227 is there. Therefore, it is not necessary to include that provision here.

ಶ್ರೀ ಎಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ.—ಆ ಮೇಲೆ 3ನೆಯ ಕ್ಲಾಜಿನ 4 (a) ಸಬ್ ಕ್ಲಾಜಿನ ಪ್ರಾವಿಸೋನಲ್ಲಿ ಹೀಗಿನೆ.

> "Where it involves the question of law and where a District Judge is not a member, orders shall be reserved for decision by a bench where the District Judge is a member."

ಇಲ್ಲಿ ನಾರ್-ಅಫಿಷಿಯಲ್ ಮೆಂಬರುಗಳನ್ನು ನೇಮಕ ಮಾಡುತ್ತೇವೆ. ಮೂರನೆಯ ಕ್ಲಾಜಿನ ಎರಡನೆಯ ಸಬ್‌ಕ್ಲಾಜಿನಲ್ಲಿ "The State Government may from time to time appoint such other persons possessing such qualifications." ಎಂದಿರುವುದನ್ನು ನೋಡಿದರೆ ನಾರ್-ಅಫಿಷಿಯಲ್ಸ್ ಇಲ್ಲವೆಂದು ಅರ್ಥವಾಗುತ್ತದೆಯೆ? ರೂಲಿನಲ್ಲಿ Non-Officials ಇಲ್ಲ ಎನ್ನುವುದನ್ನು ಹೇಗೆ ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕಾಗುತ್ತದೆ. Sir, I am glad that Hon'ble Chair has understood me to be correct. ಅದರ ಬಗ್ಗೆ ನಮಗೆ ಕಷ್ಟವೇನಾಗಿತ್ತೆಂಬುದನ್ನು ತಾವು explain ಮಾಡಬೇಕು. ನಾವು ಈ ಸಭೆಯಲ್ಲಿ ಮಾಡತಕ್ಕ ಕಾನೂನನ್ನು ಹೇಗೆ ತಾವು delegate ಮಾಡತಕ್ಕದ್ದು.

I humbly submit to the Chair that we are making a draft and any omission on our part will certainly affect others very seriously . . . .

Mr. SPEAKER.—After all, I have been saying that when clarifications are sought or points of information are raised, they should be as short as possible. The first point that the Hon'ble Member raised is—what is the qualification of the member of the Tribunal; what is the pay and what are the terms of service. Whatever the Hon'ble Member wants to say should be put in one or two or three questions to seek clarification. Otherwise, arguing in a round about way will not help anybody.

Sri H. M. CHANNABASAPPA.—My only submission to the Chair is—we are making a law and it will have serious repurcussions. Any omission in collecting information at the right time may have far reaching effect. Therefore, I submit that the Chair may be a little lenient at least in the matter of discussion connected with Bills.

Mr. SPEAKER.—I can understand the difficulty of the Hon'ble Members. I do not say that I don't see eye to eye with the members. What I say is that I have observed in the Lok Sabha that whenever a point of information or clarification is raised, they are put in one or two sentences. But while putting the question they should not run round about, which would amount to be rather taking the time of the House.

Sri H. M. CHANNABASAPPA.—Probably by this time, if we had not gone into this discussion, the point of clarification would have been put to the House.

Mr. SPEAKER.—After all, it is not the question of solving the difficulty of one member in this Honse. I have placed before the Hon'ble Members certain factors which should be adhered to. Because I have been finding that clarifications are too numerous and winding Instead of going round like

that, clarifications or points of information should be raised in as precise a form as possible.

Sri G. B. SHANKARA RAO (Hirekerur).— Sir, will it not be against the principle of law to say that, when there is a remedy in the Constitution to go in revision against the order of the Tribunal—rather, wil itl rot be unnecessary and redundant to say 'that it shall not be called in question in any court of law'?

Mr. SPEAKER.—That point has been raised already.

ಶ್ರೀ ಜಿ. ಶಿವಪ್ಪ.—ನಾನು ಶ್ರೀಮಾನ್ ಚನ್ನಬಸಪ್ಪನವರು ಕೇಳಿದಂತೆ ಈ ಕಾನೂನಿನಲ್ಲಿ, Pay of officials, Non-Officials, Tenures, ವಿಚಾರವಾಗಿ ಏನನ್ನೂ ಹೇಳಿಲ್ಲ. ಹೀಗೆ ವಿವರಗಳು ತಿಳಿಯದೆ "Pass" ಆದರೆ "Blank Cheque"ನ್ನು ಕೈಗೆ ಕೊಟ್ಟರೆ ಹೇಗಾಗುತ್ತದೋ ಹಾಗಾಗುತ್ತದೆ. ಆಮೇಲೆ Section (9)ರಲ್ಲಿ ಈ ರೂಲ್ಸ್‌ಗಳನ್ನು ಸಭೆಯ ಮುಂದೆ ಬರುವುದು ಅನಾವಶ್ಯಕವೆಂದು ಹೇಳಿದ್ದೀರಿ. ಈಗಾಗಲೇ ನಾವು ಎರಡು ಬಿಲ್ಲುಗಳನ್ನು ಎಂದರೆ Mysore Sales Tax and Mysore Agriculture Income tax Bill ಗಳನ್ನು ಪಾಸಮಾಡುವಾಗ ಈ ರೀತಿಯ ರೂಲುಗಳು ಸಭೆಯ ಮುಂದೆ ಬರಬೇಕು ಮತ್ತು Discussion ಆಗಬೇಕು ಎಂದು ಹೇಳಿದ್ದೇವೆ. ಹೀಗೆ ಇಲ್ಲಿಯೂ ಆ ರೀತಿ ಒಂದು ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಬೇಕು. ಇದಕ್ಕೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಉತ್ತರಕೊಡಬೇಕಾಗಿ ಅರಿಕೆ.

Sri K. PUTTASWAMY (Mysore).—I am seeking clarification on three points. In the present Act under which the Revenue Board is constituted, the Government have power to appoint additional officers. But in the Bill that is now placed before this House the Government are asking powers to appoint person or persons. Of course the Government can very well say that there is difference between the term 'officer and officers' and the term 'persons.' I want to know what is it that is in the mind of the Government which has necessitated this change. Secondly, as my friend Sri G. Sivappa has just now put it, under the present Act the rules are to be placed before the Legislative Assembly for seven days and they have to come into effect with such modifications as may be done by this House. Now under the present Bill the Government have retained absolute powers and therefore there is no need to place them before the Assembly. May I know what has necessitated the Government to ask for these powers? Regarding financial memorandum, the Government have stated that the present Revenue Board is handling sales tax appeals also. When it is sought to set up a separate Sales Tax Tribunal it would mean that the work that is now being done by the Revenue Tribunal would be passed on to a different Tribunal which is going to be constituted under the Sales Tax Act. This would be an additional burden on the State. I would ask the Government as to what the additional cost would be on account of this.

Sri M. P. PATIL.—Taking the last point first, *i.e.*, the financial statement for the Revenue Board, I wish to say that there is no question of increasing the number of officers of the Revenue Board. Therefore there is no question of cost involved here. As far as the Sales Tax Tribunal is concerned, a Bill will come before the House and members can discuss it at that time. For the Revenue Board there is no increase in expenditure and no increase in the number of members.

Regarding clause 3, sub-clause (2), I explained in my speech that we are amending the old Mysore Board of Revenue Act, 1955. I have informed the House that excepting one or two changes, the old Act has been followed. Here the provision is that:

> "the State Government may if it deems fit appoint additional members, any officer or officers of the State Government.
>
> The State Government shall by notification appoint one of the Members of the Board to be the Chairman.
>
> (2) (*a*) Additional members shall hold office for such period as may be determined by the State Government."

So, it is evident that the provision of appointing additional members had been made even in the old Mysore Act. I think Hon'ble Sri H. M. Channabasappa was a member of the Assembly though not perphaps a member of the Cabinet at that time. I am quite sure he was a member of the House when the Act was passed and we are following

(SRI M. P. PATIL)

the same provision which has been made in the previous Act. Sri K. Puttaswamy stated that under the old Act only officers were to be appointed whereas in the present Bill we have not decided that we should have only officers. The reason for this difference is this. Sometimes we have to utilise the services of experienced officers who retire from service and who can be utilised for the work on the Tribunal. If Government thinks that there are some officers whose services would be useful for the Tribunal they will have to be appointed. The retired officers are not Government officers; they are non-officials. To enable Government to appoint them that provision has been made.

Sri H. M. CHANNABASAPPA.—I asked the Government what was the particular difficulty in fixing the number of members, their salary, etc. Government has evaded to answer the question. It is an important question.

Dr. T. PARTHASARATHY (Malleswarm).—I have got a point for clarification. May I know why a particular enactment of the previous Assembly is quoted? Is it because that it is advantageous to Government for withholding the notification?

ಶ್ರೀ ಕೆ. ವಿ. ಬೈರೇಗೌಡ (ಬೆಂಗಳೂರು ಉತ್ತರ).—ಈ ಕಾನೂನು ಹಿಂದೆಯೇ ಆಕ್ಟಾಗಿದೆ. ಆದರೆ ಅದರಲ್ಲಿ ಕೆಲವು ಶಬ್ದಗಳ ಅಗತ್ಯವಿದ್ದುದರಿಂದ ಅವುಗಳನ್ನು ಸೇರಿಸಿ ಈಗ ಸರಿಪಡಿಸಲಾಗಿದೆ. ಇದರಲ್ಲಿ ದೋಷ ಏನಿದೆ?

ಅಧ್ಯಕ್ಷರು.—ಹಿಂದಿನ ಆಕ್ಟಿನಲ್ಲಿ ಈ ಪದಗಳಿರಲಿಲ್ಲ, ಈಗೇಕೆ ಈ ಪದಗಳನ್ನು ಹಾಕಿದ್ದೀರಿ ಎಂದು ಅವರು ಕೇಳುತ್ತಿದ್ದಾರೆ.

Sri M. P. PATIL.—The reason why a change has been made is, sometimes the Government will have to appoint retired officers for which there was no provision. I made that point clear in reply to Sri K. Puttaswami.

ಶ್ರೀ ಜಿ. ಎಸ್. ಪುಟ್ಟಣ್ಣ.—ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಟ್ರಿಬ್ಯುನಲ್ ರದ್ದಾದಮೇಲೆ ಆ ಕೇಸುಗಳನ್ನೂ ಸಹ ಈ ರೆವಿನ್ಯೂ ಬೋರ್ಡ್ ವಿಚಾರಣೆ ನಡೆಸಬಹುದೆಂದು ಸರ್ಕಾರದವರು ಇದುವರೆಗೂ ಏಕೆ ಆ ರೀತಿ ಒಂದು ಆರ್ಡರನ್ನು ಹೊರಡಿಸಲಿಲ್ಲ? ಕಾರಣವೇನು?

Sri M. P. PATIL.—I have already explained. There was legal difficulty about it whether such a notification could be issued or not. That question was raised. In the meanwhile, while discussing that question, we came to the conclusion that instead of taking the risk whether that notification would be legal or not, we thought it better to have separate tribunals.

Sri H. M. CHANNABASAPPA.—My question has not been answered.

Mr. SPEAKER.—I cannot help it. Members can ask questions, can ask for information. If the information is not given I cannot compel the Government to give information.

Sri H. M. CHANNABASAPPA.—Shall I take it that the Government is reluctant?

Mr. SPEAKER.—That is for the Hon'ble Member to draw any inference he likes. He may do whatever he likes. He need not disclose it in the House.

ಶ್ರೀ ಜಿ. ಎಸ್. ಪುಟ್ಟಣ್ಣ.—ನಮ್ಮ ಸಂಸ್ಥಾನದ ಜನರ ದೃಷ್ಟಿಯಿಂದ ಬಹಳ ಮುಖ್ಯವಾಗಿರುವ ಈ ಬಿಲ್ಲು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಹೋಗಬೇಕೆಂದು ಎಲ್ಲರೂ ಹೇಳುತ್ತಿದ್ದರೂ ಅದನ್ನೇಕೆ ಸರ್ಕಾರದವರು ಒಪ್ಪುತ್ತಿಲ್ಲ?

Mr. SPEAKER.—That is a different matter. You can make a motion for that.

The question is:

"That the Mysore Revenue Appellate Tribunal Bill, 1957, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—The Hon'ble Member Sri Puttaramiya wants to make a motion for referring the Bill to a Select Committee. I have disallowed it. I will give him the reason why I have disallowed it. I refer the Hon'ble Member to Circular No. 7, dated 16th May 1957.

"In connection with the ensuing Session of the Legislative Assembly commencing from Monday, the 10th June 1957, I have the honour to invite the reference of the members to some of the Rules of Procedure and Conduct of Business in the Legislative Assembly which set out the periods of notice to be given by members in respect of questions, motions, etc. I am to add that this circular should not be considered as exhaustive and that reference should be made to

the rules for ascertaining the period of notice in all cases . . . .

Under rule 54 where a motion that a Bill be taken into consideration is passed by the Assembly, any member including the member in charge may move that the Bill be referred to a Joint or Select Committee. The Speaker has directed, under rule 168 of the Rules, that any member who wants to make a motion for referring a Bill to a Joint or Select Committee shall give one clear day's notice before the day on which a motion that the Bill be taken into consideration is taken up."

Under this power, I have disallowed it.

Before we adjourn I would like to announce certain matters. Tomorrow we will meet at one o'clock. We will take up questions for one hour. After that, we will discuss the Appropriation Bill for one hour. After that is over, we will take up the other Bills.

I shall give the reason why one hour is more than sufficient for the discussion of the Appropriation Bill. I shall read to the Hon'ble Members the relevant portion from the "Rules of Procedure and Conduct of Business" in Lok Sabha."

"The debate on an Appropriation Bill shall be restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant demands for grants were under consideration.

The Speaker may, in order to avoid repetition of debate, require members desiring to take part in discussion on an Appropriation Bill to give advance intimation of the specific points they intend to raise, and he may withhold permission for raising such of the points as in his opinion appear to be repetitions of the matters discussed on a demand for grant or as may not be of sufficient public importance."

So I, think that one hour is more than sufficient. In Lok Sabha and in other legislatures they do not take more than ten minutes. Of course, I do not mean to say that Hon'ble Members should not speak. They may speak, but if they repeat what has already been said in this House, I will not allow it.

Another matter that I would like to bring to the notice of Hon'ble Members is that on the Budget in all 259 speeches were made out of which 141 speeches were made by the Members of the Party in power, 56 on behalf of the P.S.P. and 62 by others. On the Motion of Thanks 31 speeches were made from the Congress, 11 from the P.S.P. and 11 by others, making a total of 53. Both on the Motion of Thanks and on the Budget the speeches that were made were 172 from the Congress, 67 from the P.S.P. and 73 by others, making a total of 312.

The House will now rise and meet tomorrow at 1 P.M.

The House adjourned at Five Minutes past Seven of the Clock to meet again at One of the Clock on Tuesday, the 30th July 1957.